The *Journal of Hate Studies* is published annually by the Gonzaga University Institute for Action Against Hate. The purpose of the *Journal* is to promote the sharing of interdisciplinary ideas and research relating to the study of what hate is, where it comes from, and how to combat it. The Gonzaga Institute for Action Against Hate is operated under the auspices of Gonzaga University in Spokane, Washington. The views expressed in the *Journal* are those of the authors and should not be attributed to the Gonzaga Institute for Action Against Hate, Gonzaga University, the institutions with which the authors are affiliated, or the editors.

The *Journal* welcomes unsolicited manuscripts (including essays and shorter pieces) and suggestions for improving the *Journal*. Manuscripts and other communications should be sent to: Director, Gonzaga Institute for Action Against Hate, Gonzaga University, Spokane, WA 99258-0043.

The annual subscription rate is $25. To order, please send name, mailing address, and check to: Gonzaga Institute for Action Against Hate, Gonzaga University, AD Box 43, Spokane, WA 99258-0043.

For more information about Gonzaga Institute for Action Against Hate, please visit our website: [http://www.gonzaga.edu/againsthate](http://www.gonzaga.edu/againsthate)
GONZAGA UNIVERSITY INSTITUTE FOR ACTION AGAINST HATE
Board of Advisors

Bob Bartlett
Director, Multicultural Education/Unity House,
Gonzaga University
Professor, Doctoral Studies
Gonzaga University

James Beebe
Professor, Doctoral Program,
Leadership Studies
Gonzaga University

George Critchlow
Associate Professor
Gonzaga University School of Law

Joanie Eppinga
Editor, Journal of Hate Studies

Eva Lassman
Community Representative

Bobbie League, Chair, Board of Advisors, Institute for Action Against Hate
Spokane Guild School

Brian Levin, Director,
The Center on Hate and Extremism

John Mascaro
Community Representative

Deborah McDonald
Associate Professor,
Teacher Education,
Gonzaga University

Vern McGee
Seminarian
The General Theological Seminary

Jan Polek
Community Representative

Mary Lou Reed
Community Representative

Raymond Reyes
Associate Vice President for Diversity,
Gonzaga University

Jeff Sapp
Professor of Education
California State University,
Dominquez Hills

Uma Selvanathan
Gonzaga University Student

Jerri Shepard
Director, Institute for Action Against Hate
Associate Professor and Director of the Master of Arts in Teaching: Teaching At Risk Students
School of Education,
Gonzaga University

Ken Stern, Specialist on Anti-Semitism and Extremism,
American Jewish Committee

Sima Thorpe, Director,
Community Action & Service Learning
Gonzaga University

James Waller
Professor, Psychology
Whitworth College

Georgie Ann Weatherby
Associate Professor,
Sociology/Criminal Justice
Gonzaga University
INSTITUTE FOR ACTION AGAINST HATE
JOURNAL OF HATE STUDIES
Volume V, Number 1

EDITORIAL BOARD

Bob Bartlett, Ph.D.
Gonzaga University

Steven K. Baum
Book Review Editor,
Journal of Hate Studies

Carole Baumgartner
Gonzaga University

James Beebe, Ph.D.
Gonzaga University

George Critchlow, Ph.D.
Gonzaga University School of Law

Joanie Eppinga
Editor, Journal of Hate Studies

Evan Harrington, Ph.D.
Chicago School of Professional Psychology

James Mohr
Community Member

Jan Polek
Community Member

Raymond Reyes, Ph.D.
Gonzaga University

Jerri Shepard, Ph.D.
Gonzaga University

Kenneth Stern, Ph.D
American Jewish Committee

Sima Thorpe, Ph.D.
Gonzaga University

James Waller, Ph.D.
Whitworth College

PEER REVIEW BOARD

Laura Brunell, Ph.D.
Gonzaga University

Barbara Perry, Ph.D.
University of Ontario Institute of Technology

Robert Sternberg, Ph.D.
Tufts University

Mary Pat Treuthart, J.D., LL.M.
Gonzaga University

School of Law
CONTENTS

Preface ................................................. Jerri Shepard 1

Articles
Where Do Universal Human Rights Begin? ...... George Critchlow 7

Deconstructing Hate Speech in the DRC:
A Psychological Media Sensitization
Campaign .......................... Johanna Vollhardt, Marie Coutin,
Ervin Staub, George Weiss, and Johan Deflander 15

The Politics of Hate: Ultranationalist and
Fundamentalist Tactics and Goals .............. Joan Davison 37

Homophobic Hate Propaganda in Canada ........ Ellen Faulkner 63

Student Voices
Genocide on the Airwaves:
An Analysis of the International
Law Concerning Radio Jamming .......... Meghna Rajadhyaksha 99

Interview
Shining the Spotlight on Injustice:
An Interview with Morris Dees.................Joanie Eppinga 119

Film Review
Obsession: Radical Islam’s War against the
West and Shi’ism: Waiting
for the Hidden Imam ....................... Steven K. Baum 125
Call for Papers and Submission Guidelines

The Institute for Action Against Hate is soliciting submissions for the sixth volume of the interdisciplinary Journal of Hate Studies.

We are interested in articles from various disciplines that address the topic of Hate and Gender. A special invitation is extended to scholars from disciplines such as history, psychology, philosophy, women’s studies, cultural studies, anthropology, political science, economics, literature, rhetoric and religious studies.

Submissions are due by October 1, 2007 and should be between 5,000-10,000 words. Submissions should include one hard copy and an electronic copy in MS Word format. Please do not submit PDF files. Submissions should be presented in APA format and contain endnotes rather than footnotes.

Address submissions and questions to the Gonzaga University Institute for Action Against Hate, AD Box 43, 502 E. Boone Ave., Spokane WA 99258-0043; email address againsthate@gonzaga.edu; phone: 509.323.3665.
Preface

This year’s theme for the Journal of Hate Studies is Hate and Communication. It was chosen because it complements the Institute for Action Against Hate’s work in conjunction with Gonzaga University’s library, Foley Center. Two years ago Dean of the Library, Dr. Eileen Bell-Garrison approached the Institute to request that we co-sponsor an exhibit from the United States Memorial Holocaust Museum. The traveling exhibit, “Fighting the Fires of Hate: America and the Nazi Book Burnings,” was displayed in the Rare Book Room of the library, offering a spectacular view of the Spokane River.

The University library was a perfect setting for this exhibit, which tells the story of the 1933 Nazi book burnings that involved German University students. The book burnings began with the action of the German Students Association “against the un-German spirit.”

Certain authors were blacklisted, and books were removed from private, public, university, and fee-based lending libraries. On the night of May 10, 1933, right-wing students marched in torchlight parades in most German university towns. Nazi officers, professors, university rectors, and student leaders addressed spectators while students threw condemned books into bonfires following nationalistic ceremonies. More than 25,000 volumes of banned books were burned.

Joseph Goebbels, Minister of Public Enlightenment and Propaganda, established the Reich Chamber of Literature, which controlled the German book market and developed an index of condemned books. More than 5,500 titles were considered harmful to the “German spirit” and 4000 children’s books were found to be inappropriate. The Nazis controlled all aspects of the book trade. By 1937, the Nazis had catalogued approved titles including “Nationalists Social Writings,” “Jewry and Free Masonry,” “Racial Science,” “History and Politics,” and “War Books.” This campaign was accompanied by slogans such as “Every war is first fought in the mind.”

The condemned books included German authors, many of whom were Jewish, such as Sigmund Freud and Albert Einstein, but also works of non-German authors such as Jack London, Upton Sinclair, H.G. Wells, and Helen Keller. Books considered against the “German spirit” ranged in theme from those degrading the heroism of German fighting forces, books supporting Communism and Socialism, those opposing National Socialistic
racial ideas, and those falsifying history, to books with content offensive to Nazi ideal family life. The banning included the works of authors, poets, playwrights, essayists, novelists, and artists.

Americans protested the book burnings in public demonstrations throughout the United States. Private organizations provided aid for displaced German students, academics, and artists. In his annual address to Congress in 1941, President Franklin D. Roosevelt identified "four essential freedoms": the freedom of speech and religion and the freedom from want and from fear. These freedoms are interpreted differently from various perspectives; public expression in one venue may be offensive to certain groups. A publication may seem perfectly appropriate from one perspective and highly offensive from another. In other words, competing philosophies, religions, belief systems can lead to significant differences, and in many cases, war.

Universities are symbols for freedom of expression. Young people come to college to explore new ideas, open their minds, and learn a careful process of discernment. The political book burnings were tragic, made even more so by involving students. Students, and people in general, do what they believe is right. In the case of the 1933 book burnings, those students were directed in action and wanted to support the nationalistic movement. They thought they were doing the right thing. Who knows what would have happened to them if they had refused to participate? After all, they lived in a police state where freedom of thought did not exist.

The book burnings and subsequent culture war initiated by the Nazis are well documented in the exhibit "Fighting the Fires of Hate: America and the Nazi Book Burnings." This exhibit is offered to the University, local schools, and the community at large. High school teachers attended workshops on teaching the Holocaust prior to bringing their students to Gonzaga to tour the exhibit. One recent visitor to the exhibit viewed a display on 2006 and 2007 book burnings, housed in the lobby of the library. She approached the Dean of the Library in an agitated fashion and exclaimed, "Why did you make up these recent book burnings? Are you just trying to attract attention and upset people?" The Dean kindly told her that these events were real and that the information was printed from websites. She was told that, in fact, book burnings and other forms of censorship occur with surprising regularity. After looking startled, the woman started to cry and thanked the Dean. She said she had had absolutely no idea that such a thing happened in the United States. Another woman approached the Dean and also asked why the library was making up this
information. She was told the same thing about the truth of the content and also started to cry. A box of Kleenex is now placed at the Reference Desk. Several docents are on hand to guide participants through the display. The potency of this exhibit is certainly enhanced by dialogue following participation.

Censorship and book burnings continue throughout the world. In 2001, the popular *Harry Potter* books were destroyed by a church group in Almogordo, New Mexico because they were deemed symbols of witchcraft, sorcery, and satanism. This event received world-wide attention, and protesters against censorship and the book burnings carried symbols of Nazism. Again, looking from various perspectives, it is interesting how a book so loved by children all over the world can be seen as harmful and destructive by churchgoers who are doing what they think is right for their children.

The Institute for Action Against Hate is typically less concerned about content that is removed from the public (banning and condemnation of books) than it is about content that is added (hate speech, literature, websites that are injurious to certain populations). Re-visiting America and the Nazi book burnings allows participants to critically review what was supposedly done for the good of a country. Remembering helps us keep “alive the connection between the destruction of books and the consequences of intolerance.”

This issue of the Journal addresses some of the ways communication is and can be used to both propagate and mitigate the consequences of intolerance.

In “Where Do Human Rights Begin?” George Critchlow celebrates the advances in human rights made through and since Nuremburg. At the same time, he mourns the many failures of the world to respond to incidents of genocide and hatred. He stresses the importance of governments’ working together to achieve human rights, while noting that ultimately we all have responsibility on an individual level to choose our actions carefully.

Critchlow’s concerns are addressed on a practical level in “Deconstructing Hate Speech in the DRC: A Psychological Media Sensitization Campaign” by Johanna Vollhardt, Marie Coutin, Ervin Staub, George Weiss, and Johan Deflander. This article addresses techniques and psychological underpinnings of negative communications that can lead to hatred, violence, and genocide. It suggests that people can counteract the deleterious effects of hate speech through an emphasis on common humanity, the
discernment of sound arguments and facts, education and sensitization campaigns, and communication and solidarity with members of oppressed groups.

Joan Davison’s “The Politics of Hate: Ultranationalist and Fundamentalist Tactics and Goals” draws distinctions between nationalists, ultranationalists, and fundamentalists. The author delineates the ways in which extremists communicate hate through organizational strength, media control, and emotive content. She reports a number of methods for ameliorating the effects of hate, including responsible use of the media, preventive military measures, peaceful demonstrations, financial controls, and targeting the underlying conditions that make these groups attractive to some. She concludes that “the knowledge and tools do exist to contain the violent outcomes of the politics of hate” and that our fundamental challenge consists of choosing to implement those tools creatively at the state and global levels.

Education and restorative justice initiatives can be used to combat hate speech that disparages homosexuals, according to “Homophobic Hate Propaganda in Canada” by Ellen Faulkner. The author describes the ways in which gay people are denigrated in hate-filled propaganda. Her research shows that such speech is indeed harmful to its subjects and that current legal measures are insufficient in that they do not address the problem at a concrete level. She agrees with Vollhardt et. al and Davison that hateful speech paves the way for violence, and suggests that legal measures could be added to awareness and restorative justice to create the best solution.

Our Student Voices selection this issue is entitled “Genocide on the Airwaves: An Analysis of the International Law Concerning Radio Jamming.” Written by Meghna Rajadhyaksha, the article addresses radio broadcasts as they are used to incite hatred, violence, and genocide. The author discusses freedom of speech and state sovereignty in the context of international law. She argues that jamming offensive radio broadcasts is in fact permissible according to international law, and that the technology is available to do it. Some of the legalities and technicalities of such jamming are examined. The international community would do well, suggests Rajadhyaksha, to set up a committee that would have both the power and the authority to jam radio broadcasts that are intended to bring about genocide. The author closes by noting that such radio broadcasts are prevalent in developing countries, and that the Internet and television should be examined and regulated in the same way in industrialized nations.

Combating the communication of hate is a theme of one of the foun-
ders of the Southern Poverty Law Center in “Shining the Spotlight: An Interview with Morris Dees.” Civil-rights attorney Dees explained to this journal’s editor, Joanie Eppinga, that communicating truths, exposing hate groups, teaching children about tolerance, supporting victims of hate crime, and taking legal action are some of the ways in which bias and prejudice can be fought. He expressed the belief that if people at all levels of society are educated about acceptance, we will have a more balanced, just society.

Finally, two films about hate were reviewed by our book editor, Steven Baum. Obsession: Radical Islam’s War against the West and Shi’ism: Waiting for the Hidden Imam share some characteristics: Both are documentaries about terrorism; both examine Islam; and both are about Muslims that are outside the mainstream. Baum notes that Obsession is very powerful and polished. Shi’ism is less finished, but provides valuable historical and political information. Both, Baum says, deserve our attention.

The Institute for Action Against Hate is thankful to our authors for contributing to this issue on Hate and Communication. We are hopeful that readers will be informed by these writings and inspired to share their messages.

The Institute continues to work to establish an academic field of hate studies. The need for an academic discipline on hate studies has been presented at the Annual National Conference on Race and Ethnicity in American Higher Education (NCORE) for four years in a row. Our intent is to formally continue the dialogue on developing the hate studies curriculum and sharing course syllabi from current university courses addressing issues of hate. As we continue this work, we will be collecting course syllabi that relate to the topic of hate. If you have a syllabus that relates to this topic, please send it to us. Information on our work can be obtained at our web site, www.gonzaga.edu.againsthate.

As we continue to move toward a global community, full of diversity and difference, a united effort is required. The Institute for Action Against Hate, the Journal of Hate Studies, and the web site for the Institute are venues for confronting hate, and ultimately, preventing it through education, research, and advocacy in collaboration with professionals of like mind. This is no small task in a world of competing cultures and ideologies, dwindling resources, and widespread poverty. It is the responsibility of educators, professionals, and people of good will everywhere to collaborate in the effort to combat hate with unyielding determination. We can never stop questioning acts of hatred, which are often initially expressed as
bias, discrimination, and stigma of marginalized peoples. Our work offers us challenge in creating community and inclusion of people in all cultures.

We are pleased to offer the fifth issue of the Journal of Hate Studies. As ever, it is our hope that you will find this edition of the Journal of Hate Studies an edifying and stimulating resource.

Jerri Shepard, Director
Joanie Eppinga, Editor

Institute for Action Against Hate

*Note
The facts and quotations concerning the Nazi book burnings that are cited in this preface came from the brochure “Fighting the Fires of Hate: America and the Nazi Book Burnings,” published by the United States Holocaust Memorial Museum.
Where Do Universal Human Rights Begin?

The following talk was given by George Critchlow on April 25, 2006 at Temple Beth Shalom in Spokane, Washington in honor of Yom Hashoah, the annual remembrance of the Holocaust. Critchlow, an associate professor at Gonzaga University School of Law and a founder and former director of the Gonzaga Institute for Action Against Hate, was selected by the congregation to represent the “righteous gentile.”

Professor Critchlow would like to acknowledge the helpful ideas and background information presented at the Amnesty International USA Lawyers’ Conference at the University of Washington School of Law on February 17-18, 2006. In particular, he was inspired by John Shattuck’s presentation titled “The Legacy of Nuremberg: Confronting Genocide and Terrorism Through the Rule of Law.”

I have enormous respect for Temple Beth Shalom, what it stands for, its congregation, and those individuals whom I have come to know and count as friends. I am deeply honored and privileged to be invited to speak to you on this Day of Remembrance—especially in light of the occasion to recognize the 60 years that have now passed since the establishment of a new rule of law and accountability regarding war crimes and crimes against humanity at the Nuremberg Military Tribunal in 1946.

I have a poster hanging in my office that frequently catches my eye and reminds me to connect my heart with my head. It is a picture of a small child of uncertain ethnicity, running happily, arms out, into the smiling face and open arms of his mother. The mother is standing at the threshold of a sturdy and secure-looking home. There are mountains and trees in the background, an evening sky twinkles with stars, and hovering protectively over the whole scene is a large white dove. Below the scene appears the following poem by Eleanor Roosevelt, from which I have taken the title of my remarks tonight:

Where, after all,  
do universal human rights begin?  
In small places, close to home—  
so close and so small  
that they cannot be seen on  
any maps of the world. . .  
Unless these rights have meaning there,  
they have little meaning anywhere.

My father was a veteran of the Second World War, having fought with
the Army from Normandy into the heart of Germany. He hardly ever talked
about the war and never about his personal experiences in combat. How-
ever, he did talk about the death camps, even though he did not see them
first-hand. He talked about the camps and what they represented in terms
of the moral failures of ordinary human beings; he talked about how impor-
tant it is for each of us to understand what happened during the Holocaust,
to educate others about the Holocaust, and to fight against hatred and big-
hotry in the choices, small and large, that knit together and shape the moral
character of an individual’s life. For me, my father, a lawyer, was a real-
life Atticus Finch. Whether or not he was able to actually emulate the
morality, wisdom and courage of this fictional hero from *To Kill a Mock-
ingbird*, he was a father who at least imprinted his son with the conviction
that these things are paramount. So the son lives his life, in part, in the
knowledge of the Holocaust and a commitment to fighting hate and the
conditions that produced the Holocaust. And the son becomes a father and,
in time, brings this knowledge and these values to his daughter. And the
lesson becomes known to the daughter and is repeated in small places, too
small to appear on any map, in lives that stretch forward through the
generations.

I wish I could speak to you tonight, 60 years after Nuremberg, about
how the military tribunals have successfully eliminated or diminished geno-
cide, war crimes, or crimes against humanity. Certainly it is true that the
Nuremberg trials established a standard of accountability and international
legal norms that apply to private persons as well as governments across the
globe. The United States led the way in the Nuremberg Tri-
als—underscoring the need for strict, aggressive adherence to the rule of law
in the face of mass lawlessness. Certainly Nuremberg provided a dramatic
and highly visible stage from which to educate the world about Nazi atroci-
ties. And Nuremberg was among the important events that gave rise to a
collection of important international treaties, covenants, and pronounce-
ments by international institutions and individual states. Not the least of
these are the Universal Declaration of Human Rights, the International Cov-
enant on Civil and Political Rights, the International Covenant on Eco-
nomic, Social and Cultural Rights, the Convention Against Torture, various
Geneva Conventions and Protocols, and the Convention on the Prevention
and Punishment of the Crime of Genocide.

Having acknowledged the influence of Nuremberg, we also have to
acknowledge the continuing and horrific extent of genocide, war crimes,
and crimes against humanity of the last several decades. What is there left
to say about the Killing Fields of Cambodia in the late 1970s, the bloodlust
of Rwanda in 1994, the attempts at ethnic cleansing in the 1990s in the
former Yugoslavia, the slaughters that have more recently taken place in the
Congo, Sierra Leone, and Liberia, widespread and systemic human rights abuses associated with South African apartheid, the killing, torture, and repression by authoritarian and military regimes in El Salvador, Argentina, Chile, Iraq, Iran, Afghanistan, and, now, the emergence of massive and organized genocide in Sudan’s Darfur region? Sadly, this is only a partial list.

How is it that these scenarios continue to unfold 60 years after Nuremberg? The answers are manifold and uncertain. I certainly do not pretend to fully understand what causes genocide, any more than I understand why hatred appears to be so rooted in the human psyche. One of reasons is that the international community’s response to genocide is reactive, not proactive or preventive. The international community has developed legal mechanisms for prosecuting the perpetrators of genocide, but has not developed the will or the mechanisms for intervening in genocide as it happens. Upwards of 400,000 men, women and children have been slaughtered in Darfur by organized militia; millions have been driven from their lands. It continues as we speak. While we might hope for effective intervention by the United Nations, it appears this is precluded by important economic and political relationships between Sudan and powerful countries, the United States included.

There is a prospect that international prosecutions will be brought, but under international law principles, this can generally be done only after it is shown that Sudan or other nation states are unable or unwilling to act. The international community has shown a willingness to establish special ad hoc Criminal Tribunals to prosecute the perpetrators of genocide in Rwanda and the former Yugoslavia. Additionally, since 2002, the International Criminal Court stands ready to investigate and prosecute such crimes. Such prosecutions have symbolic importance and serve the interest of retributive justice. But they do not yet appear to be sufficiently timely or predictable to constitute meaningful deterrence to genocidal behavior.

There are positive developments in the law of individual nations, however, that bode well for more accountability and better deterrence in the future. Many countries have adopted the policy of universal jurisdiction to prosecute crimes against humanity regardless of the perpetrator’s nationality or where the crimes were committed. Spain has tried and convicted an Argentine Navy Captain for dropping political prisoners out of airplanes in 1977. Spain asserted universal jurisdiction over crimes against humanity based on customary law norms dating back to Nuremberg. A Dutch court recently convicted a Congolese military officer for the torture of other Congolese. A French court indicted Algerians for torture in Algeria. Augusto Pinochet, the former Chilean dictator, was extradited from London to Spain to face trial on charges of torture and murder in Chile. And in the United
States, the Alien Tort Claims Act was used to obtain a federal court judgment in favor of a Salvadoran citizen against a Salvadoran death squad operative for crimes against humanity, including the assassination of Salvadoran Archbishop Romero.

Against the effort to apply and affirm the rule of law in both international and domestic courts, there is the continuing problem of sovereign nations asserting and protecting historical rights of sovereignty in order to secure economic, geo-political, and security-related objectives. All states do this and it is exceedingly difficult for a country, especially a powerful one, to surrender sovereignty to a larger international framework or transcendent body of law. Whether we are talking about China, India, Russia, North Korea, Venezuela, Cuba, Iran, Syria, Sudan, or the United States; whether we are talking about nations that are predominately Christian, Muslim, or Jewish, all states operate from the assumption that national sovereignty is at the heart of international relations. Some authoritarian countries, like present-day North Korea, Iraq under Saddam Hussein, Serbia under Milosevic, and Afghanistan under the Taliban, have governments that have little or no respect for international law. Others, including established Western democracies, are more mercurial. In our own country, we have the example of the Bush administration’s efforts to block international law, at least insofar as that law is seen to be an inconvenient impediment to furthering the administration’s methods and goals in the fight against terrorism. The nation that after World War II was in the forefront of an effort to build an international rule of law, starting with Nuremberg and the establishment of the United Nations, now is represented by an administration that attacks and belittles the United Nations, rails against the International Criminal Court, resists human rights treaties like the Torture Convention, narrows the rights of enemy combatants, sponsors secret CIA camps outside the United States to interrogate prisoners, and forces aid-dependent countries into side agreements immunizing U.S. nationals from prosecution in those countries’ courts.

Besides the inability of the world community to work together consistently, there is at least one more powerful and overarching reason that crimes against humanity abound. The end of the Cold War brought a truly fruitful opportunity for the world to embrace transformative change. We embraced freedom, the end of political and market barriers, the emergence of technology and communications revolutions—in short, we celebrated the prospect of democracy, human rights, and global cooperation. What we failed to understand, or anticipate, were the powerful forces at work to tear apart the new, transformed, more humane world order. Ethnic, religious, and economic conflict broke out in states rendered unstable by the disintegration of the old order. Dictators, racists, and religious fundamental-
ists—from Bosnia to Rwanda to Afghanistan—manipulated conflict to gain power and pre-eminence. At the same time, an increasing gap between rich and poor combined with competition for scarce resources has created a broad pool of disaffected recruits for terrorism and extremism. In Darfur, genocide was bred in a foul mix of lawless and repressive government, poor people fighting over land, and ethnic conflict between Arab and African tribes.

The world looked away while millions were killed in Cambodia and Rwanda. But the international community finally came together in stopping the killing in Bosnia and Kosovo. We know that international cooperation, international law, and a framework of effective international organizations are the appropriate tools for dealing with the problem of genocide. We know that the Nuremberg principles and 60 years of treaties and conventions have produced a body of international law that can be used to prosecute and deter those who would commit crimes against humanity. It is imperative that governments strive to transcend parochial interests, obsolete notions of sovereignty, and unilateralism in an effort to work together to achieve fundamental human rights goals. It is imperative that we recognize that relentless poverty and powerlessness will fuel hate and aggression. It is critical that international lawyers and government officials hold nations and international organizations accountable to their moral and legal mandates under international law. A recent article in the New York Times Magazine asserted that the U.N. is not going to stop the genocide in Darfur. The African Union is not going to stop the genocide in Darfur. The U.S. is not going to stop the genocide in Darfur. NATO is not going to stop the genocide in Darfur. The European Union is not going to stop the genocide in Darfur. On this Day of Remembrance, let us reaffirm and communicate our hope and expectation that this is not so.

Turning from what’s happening globally, we also need to take stock of the human rights successes and challenges closer to home, including those places not seen on any maps of the world. People sometimes ask whether the problem of hate has abated in the Inland Northwest. There are hopeful signs that it has—the most significant of which is the success in fighting the Aryan Nations won by the Kootenai County Task Force on Human Relations (with the support of a great many other organizations, individuals, and resources). But hate and prejudice persist. They are on the street—as in the reported incident last week in which the police arrested a man who boasted of assaulting a Black woman riding a bike simply because she was Black; they are in the military, where a local woman who had honorably devoted twenty years of service to her country was discharged from service because someone told her commanding officer she was a lesbian; they are manifest in countless acts of peer group bullying and abuse in the schools in which a
child is made to feel small and unworthy because of his or her color or religion. They are apparent in the compelling anecdotal and statistical evidence of disparate treatment of racial minorities in the criminal justice system. Episcopalians, Catholics, Methodists, Lutherans, Baptists, Buddhists, Rotarians, Elks, Eagles, and Fly Fisherman do not have to dedicate significant portions of their budgets to security—but the congregation of Temple Beth Shalom does and synagogues throughout the land do because anti-Semitism persists, despite the depredations and lessons of the twentieth century.

One of the most powerful and indescribable experiences of my life was a visit with my wife to the Children’s Memorial at Yad Vashem in Jerusalem. The Memorial is a tribute to the 1.5 million Jewish children who perished in the Holocaust. It is designed so that an infinite number of candles are reflected in a dark and somber space. The candles, of course, represent the murdered children, whose names are read, methodically and without end, by a disembodied voice in the background. I had visited Holocaust exhibits before, but this particular experience made me feel more pain, regret, and humanity than just about anything I had ever experienced.

I returned to Spokane and my work at Gonzaga—only to encounter a rash of racial harassment incidents directed at African-American law students. The following example is just one illustration of what took place. Picture this: A young Black woman, a single mom from the East coast, far from her family and her community, the first in her family to graduate from college, who moved across country to Gonzaga to be a lawyer, is facing her first round of exhausting, year-end first year law exams; she stumbles home after a hard day of studying, picks up her child at the daycare, approaches her apartment, and finds a note tacked to her door. On the note is scrawled: “We don’t want monkeys at Gonzaga or in Spokane. Go back to where you came from. Do not take your law exams or you will regret it. We know where you and your daughter live.”

Some folks, including some scholars and professionals, question the value of highlighting and working against hate. The argument is that laws that protect against hate crime and some anti-discrimination laws cause people to think of themselves in terms of favored or preferred groups—based on race, nationality, religion or sexual orientation—and that this creates unhealthy competition and division in our society. Others sometimes complain about giving undue attention to discrimination, organized hate, or hate crimes because it is bad for Spokane’s image. The reality, of course, is that there is hate in our community and region, and it will fester and grow unless it is visibly and effectively confronted. Minority members of a community are divided and marginalized because of hate, not because of laws against hate. And for those who are concerned about image, it seems self-evident
that a modern, forward-looking community would prefer an image associated with aggressively fighting hate over an image of denial, self-delusion and silence—the social ingredients that made possible the rise of fascism in Nazi Germany.

The racial harassment incidents at Gonzaga in the mid-’90s were the impetus for a university dialogue about how students, staff, and faculty might respond to the problem of hate. We hoped to do something that was both creative and enduring. For several months we talked among ourselves, and with outside consultants, including Ken Stern, who is the Hate and Extremism Specialist with the American Jewish Committee, Bill Wassmuth, Executive Director of the Northwest Coalition Against Malicious Harassment, and Morris Dees of the Southern Poverty Law Center. Both Ken Stern and Bill Wassmuth had spoken persuasively about the need for there to be—at some university or college—an interdisciplinary academic center or program for the study of why people hate and strategies for combating hate. The center would focus on education, research, and advocacy. Thus emerged the Gonzaga Institute for Action Against Hate. With a paucity of funding, but with a great deal of volunteer energy and heart, we started operations in 1998, established an Advisory Board, named a director, and co-sponsored, with the Simon Wiesenthal Center, our first major project: The Changing Faces of Hate, a conference about hate and hate crimes for law enforcement employees, probation officers, and social workers. We sponsored a few other projects and then undertook our first really big event: sponsorship of the Anne Frank Exhibit at Gonzaga, a project that cost $100,000, involved dozens of volunteers, docents, and docent trainings, and was co-sponsored by Temple Beth Shalom. The event resulted in exhibit tours by almost 25,000 children and adults, including many organized public and private school classes. In 2001, the Institute edited and published our first peer-reviewed scholarly journal, the *Journal of Hate Studies*, and started planning for the development of the new Field of Hate Studies. This led to the first International Conference on Hate Studies held at Gonzaga two years ago. We are continuing publication of our annual journal and look forward to convening a second international conference on hate studies in the next few years.

We are also excited about a new exhibit we are bringing to campus from March 10 to May 5, 2007. It is entitled “Fighting the Fires of Hate: America and the Nazi Book Burnings.” The exhibit focuses on the book burnings of the 1930s, in which the Nazis encouraged German students to burn allegedly un-German books written by authors ranging from Helen Keller to Ernest Hemingway to Sigmund Freud. The Institute would be delighted to enlist the Temple in promoting this event and we look forward to the opportunity to partner with you on other future events.
While there is a global dimension to understanding and working against genocide and hate, it is also true that every atrocity and every act of abuse is perpetrated at a local level. It is inescapably true that responsibility for creating conditions that serve and promote human right lies with us, as individuals working in our respective and relevant contexts. We are all responsible for creating cultures and communities of respect for and appreciation of difference. As parents, private citizens, members of faith communities, educators, professionals, coaches, business people, skilled and unskilled workers—we have a responsibility to counter hate whenever and wherever it emerges. Nuremberg helped us by focusing us, in a profound and historic way, on the moral proposition that individuals, not abstract political entities, are responsible for choosing how to treat one another. We honor the victims of the Shoah, and the victims of all crimes against humanity, on this Day of Remembrance and every day, by choosing to fight hate in places so small and close to home that they cannot be seen on any maps of the world.

I end with a few lines from Maya Angelou’s Inaugural Poem:

History, despite its wrenching pain,
Cannot be unlived, and if faced with courage,
Need not be lived again.
Deconstructing Hate Speech in the DRC:
A Psychological Media Sensitization Campaign

Johanna Vollhardt¹, Marie Coutin², Ervin Staub¹,
George Weiss², and Johan Deflander²

¹ University of Massachusetts, Amherst
² Stichting Radio La Benevolencija/Humanitarian Tools Foundation

Correspondence concerning this article should be addressed to Johanna Vollhardt, Department of Psychology, University of Massachusetts at Amherst, 135 Hicks Way, Tobin Hall, Amherst MA 01003. E-mail: jvollhar@psych.umass.edu.

ABSTRACT

This article describes an interdisciplinary and theory-based radio campaign that has been developed to counteract, and sensitize citizens to hate speech in the Democratic Republic of the Congo (DRC). The article provides a brief overview of the instrumentalization of hate speech and the violent effects it has had in the Great Lakes region of Africa. A summary of the most recent events in the DRC is given. Here, hate speech was used in the presidential election campaigns in 2006, contributing to a polarization of the country and giving the campaign an ethnic underpinning. A radio program developed to counteract hate speech during the election campaigns is described. Its theoretical basis, the application of Staub’s (1989) theory of the evolution of mass violence to hate speech, is presented. Based on this and other relevant psychological concepts, characteristics and psychological aspects of hate speech are summarized, and markers and guidelines are provided that allow listeners to detect and counteract hate speech.

I. HATE SPEECH IN THE GREAT LAKES REGION OF AFRICA: HISTORICAL BACKGROUND AND RECENT EVENTS IN THE DEMOCRATIC REPUBLIC OF CONGO (DRC)

Over the last nearly fifteen years, the media—and radio broadcasting in particular—has been instrumental in instigating and sustaining rebel wars and ethnic conflicts in the Great Lakes region of Africa, especially in Burundi, Rwanda, and the eastern parts of the Democratic Republic of Congo. In this region, the media has become an effective tool in propagat-
ing hatred and ethnic divisions, thereby increasing existing tensions between and within the countries by reinforcing nationalistic sentiments, or heightening and politicizing ethnic identities. Commonly known as hate radio stations, these media are identified as “encouraging violent activities, tension or hatred between races, ethnic or social groups, or countries for political goals and/or to foster conflict by offering one-sided and biased views and opinions, and resorting to deception” (Radio Netherlands Media Network). They disseminate hate speech, which is characterized by unsubstantiated and intense negative views of and expressions directed toward a group or a group’s representative (Tsesis 2002). A central characteristic of hate speech is that it is dehumanizing and defaming, and is used to denigrate and harm the target (ibid.; also see definition below).

The most drastic and well-known example of hate speech communicated through the media that has brought world-wide attention to the phenomenon in this region was disseminated by the radio station Radio Télévision Mille Collines (RTLM) during the genocide in Rwanda in 1994. The broadcasts of this government-owned station, which incited the Hutu majority to murder Tutsis and opponents of the regime, are commonly recognized as having played a major role in this genocide (des Forges 1999; Gourevitch 1998). Furthermore, hate radio has continued to exist even after the genocide, and has resulted in further conflict across borders. After Rwandan Patriotic Front troops succeeded in driving the genocidal government forces out of the capital of Rwanda in July 1994, RTLM used mobile radio transmitters to broadcast disinformation from inside the French-controlled zone on the border between Rwanda and Zaire (now DRC). This caused millions of Hutus to flee toward refugee camps, where they could be recruited as freedom fighters. Hutu extremists then began to stage raids into Rwanda from Congolese territory. Thereby, the ground for future conflict and war between Rwanda and the DRC was created, which discord continues to have a negative impact on the relations between the two countries and the lives of people (Gourevitch 1999; Nzongola-Ntalaja 2003).

In sum, hate speech and hate media have a historical and symbolic meaning in the region, and have played a crucial role in violent conflicts both between and within states. Within the DRC, the effects of hate speech have not been as drastic as in its neighboring country Rwanda. Nevertheless, hate media has been and is very present here as well, and continues to play a destructive role in the political events of the country.

During the civil war in the Congo, which took place in 1998-2003 and caused four million deaths due to fighting and disease, hate propaganda was used, for example, in the eastern part of the country. Here it fueled ethnic conflict, for example between Hema and Lendu, two ethnic groups in the Ituri region. Based on the classification of dehumanizing speech as one of
eight stages leading to genocide (Genocide Watch a), the occurrence of hate speech was among the factors that led international NGOs to warn against a potential genocide in the region (Genocide Watch b).

However, even since the official end of the war, the media in the DRC rarely has been neutral or objective in presenting events. Since many newspapers, radio and TV stations are owned by presidential candidates or their associates, news tends to be strongly biased. The media often resort to personal attacks against political opponents and engage in ethnically charged hate speech (International Crisis Group).

This tendency in the Congolese media has peaked in the recent campaigns for the first free presidential elections in the country in 2006. Strengthened through media campaigns and public claims of opinion leaders, a schism between the eastern and western part of the country has increased. Language has been the major line of division, symbolizing the classification and distinction between the two major political opponents, and linking it to ethnicity and origin. Specifically, presidential candidate Bemba, who speaks Lingala, has been supported primarily in the capital, Kinshasa, and western DRC, where this language is spoken by the majority of the population. Conversely, candidate Kabila speaks Swahili, and has been supported in the eastern part of the country, where this language is more common. In addition, Kabila grew up in exile in Tanzania, and is the son of previous president Laurent Kabila, who marched into Kinshasa in 1996, backed by Ugandan and Rwandan forces. This background has led his political opponents to denounce him as a foreigner, a Rwandan or Tanzanian. Moreover, his followers, mainly Swahili-speaking Congolese in the east, are considered foreigners as well by many in the western part of the country. Given the recent history of the civil war that was started by an invasion of eight foreign nations (including Rwanda and Uganda), these accusations are particularly loaded with negative associations, and prone to create hatred and fear (ISN Security Watch). Kabila’s opponent Bemba has capitalized on this, running his campaign with the slogan “100 percent Congolese.” Telling citizens, for example, to “vote for the chicken and not for the bird, as the bird will fly away” (speech by Bemba, cited in International Crisis Group, 5), he has repeatedly alluded to Kabila’s alleged foreign nationality. A nationalistic and xenophobic ideology has developed that is referred to as “Congolité.” Bemba’s attacks have been countered by derogatory speeches against Bemba made by Kabila’s supporters, who claim that Bemba was born as a result of extramarital relations between his mother and the former dictator Mobutu.

In response to the dangerous presence of hate speech in the Congo, the High Media Authority (Haute Autorité des Médias, abbreviated HAM) was created as one of the “institutions of support for the transition” under the
2002 peace accords by the UN, comprising representatives from all parties in the transition government. The HAM is a public institution that has the authority to impose sanctions on media outlets for the use of political and ethnic propaganda and other unethical journalistic practices (see Committee to Protect Journalists a, b). During the election campaign, several media outlets (including those owned by Kabila and Bemba, and the governmental Radio Television Nationale Congolaise) were sanctioned for inappropriate programming and hate speech, some radio stations were banned from airwaves, and the most offensive ads were removed from radio and TV (see reports in Human Rights Watch; International Crisis Group; Monuc).

However, these attempts have been only partially successful in banning hate speech in the DRC, and in response have even led to violent rallies of Bemba supporters in front of the HAM headquarters on July 27, 2006, during which offices were destroyed and, allegedly, two police officers were burned alive (MSNBC Newsweek). These images were later used by television stations close to Kabila for repeated and emotionally charged broadcastings. A station owned by Bemba broadcasted interviews encouraging attacks on the head of the electoral commission; it also showed pictures of dead bodies following actions by Kabila’s troops and of the bombing of populations in the Equator province during the war (International Crisis Group). This and similar hate propaganda was considered a contributing factor to violence that broke out in Kinshasa after the first round of the elections in August 2006. The violence was preceded by rumors that had been spread by the media, claiming that Kabila had won the election, attempting to avoid the second round of elections which had to be held since neither of the candidates had the required absolute majority. During three days of riots more than twenty-four people died, and Bemba was attacked during a meeting with the UN and ambassadors by militias allied with Kabila (ISN Security Watch).

In sum, images and words used in the media to defame and generate hostility continue to pose a serious security threat in the DRC. The prevention of hate speech has been identified as essential in order to prevent further violence and achieve security and stability in the Congo (International Crisis Group). However, as these examples also have shown, even a structure that has been created, such as an official organization dedicated to the banning of hate speech like the HAM, is “often unable to prevent politicians from manipulating the press. It lacks power” (International Crisis Group, 6). Therefore, it is crucial to complement structural and political interventions against hate speech with interventions on the individual level, including psychological campaigns that sensitize citizens and create resistance to hate speech. Campaigns that focus on the individual citizen can also take into account that “the unfairness of the media here was not particularly to one
candidate or the other, it was to the public. . . . the people who suffer the most in this case are the people of Congo who are supposed to make a clear decision” (Voice of America News).

Human beings have the need for self-determination (Deci and Ryan 2000). Therefore, when people are aware of manipulation attempts, most will have the desire to resist them. Furthermore, many citizens in war-torn countries have a strong wish for positive change. In campaigns against hate speech, it is crucial to provide citizens with media literacy and tools for a critical assessment of political broadcasts that empower them and enable them to analyze, detect, and deconstruct hate speech in the media.

II. COUNTERACTING HATE SPEECH WITH PEACE MEDIA

In considering methods to provide sensitization against hate speech for citizens, it seems particularly powerful to counteract hate speech the way it is disseminated—through the media. There is reason to assume that a tool powerful enough to facilitate genocide has the potential to be an instrument of positive change as well. This idea has been captured in the concept of “peace media” (for a definition see Radio Netherlands Media Network). Media can support peaceful motivations. It can address people’s fears constructively. It can contribute to reconciliation by educating the population about the roots of violence and its prevention. The devastating effects of hate media can also be transformed by enhancing a spirit of “never again” among audiences who have suffered from past violence. Furthermore, specific knowledge and media literacy for societies in conflict can be provided, such as analytic tools to detect and counteract hate speech in its early stages.

Realizing this potential, the Dutch NGO Stichting Radio La Benevolencia/Humanitarian Tools Foundation (La Benevolencia 2005a, b), directed by George Weiss and in collaboration with psychologists Ervin Staub and Laurie Anne Pearlman, started a large-scale media campaign in Rwanda in 2003. The campaign consisted of several different reconciliation radio programs (see Staub and Pearlman 2006; Staub 2006). The programs were based on an innovative combination of an approach to healing, reconciliation, and the prevention of new violence that has been developed and implemented in Rwanda by Staub and Pearlman (see Staub et al., 2003, 2005; Staub and Pearlman 2001, 2006), and “edutainment” (education and entertainment) methodologies developed at the Johns Hopkins Center for Communication Programs, which had hitherto been used primarily for health education and behavior change campaigns (see de Fossard 1996; John Hopkins University Center for Communication Programs). After an evaluation showed measurable positive effects of the combined approach
(Levy-Paluck 2006), these programs were later extended to Burundi and the DRC. In this article we will focus on the programs that have been added in 2006 to address the issue of hate speech during the elections in the DRC.

A. Background and Objectives of La Benevolencia’s Media Campaign against Hate Speech in the Great Lakes Region of Africa

The central goal of the media campaign is the empowerment of groups and individuals that have been the target of hate speech and ensuing acts of violence, including extreme violence such as the genocide in Rwanda. Based on a psychological theory of group violence developed by Staub (1989) and described below, one central assumption of the media campaign is that understanding the roots of violence will enhance violence prevention and reconciliation. The goals include healing from the complex trauma (Pearlman and Saakvitne 2005) that such violence creates and promoting justice processes in post-conflict societies (Staub 2004; Staub and Pearlman 2006; Staub et al. 2005).

Staub (1989) has proposed a multicausal theory of the roots of mass violence that emphasizes the interplay of psychological and group processes as well as facilitating societal, structural, and cultural conditions. In other words, rather than concentrating on individual characteristics that predispose to aggression and violence, the theory takes into account a number of external, situational factors that can be influenced and changed. Staub’s theory focuses on the psychological effects of objective conditions in a society, that is how individuals and groups react to economic, historical, and political events. A central tenet of the theory is that violence evolves gradually. Mass violence does not erupt suddenly, but is preceded by less obvious acts of derogation, exclusion, scapegoating, and other elements of destructive ideologies which often start out in a rather subtle manner. However, these steps prepare individuals to engage in more direct and physical forms of violence, which become more and more severe as smaller acts of violence lower the threshold for following, more extreme violence. By describing how violence evolves gradually, the theory provides indicators of early stages that can be counteracted in order to prevent mass violence.

Specifically, Staub (1989) has suggested that often difficult life conditions and sudden changes—such as economic deterioration, societal chaos, group conflict, and war—are among the factors that frustrate basic human needs for security, control, a positive identity, connection to others, and understanding of one’s world and one’s own place in the world. When these psychological needs are not fulfilled constructively and within the current societal arrangements, individuals will seek to fulfill them in alternative ways that are often destructive. In other words, under such conditions they
will be more likely to turn to sources and alleged solutions that give rise to violence. For example, individuals will align themselves with a group in order to fulfill the need for security, and with leaders who promise immediate solutions to their problems. In the quest for solutions and in order to fulfill the need for understanding what is happening with and around them, individuals and groups will become susceptible to scapegoating. This provides a simple interpretation of the existing troubles. For the same reason, destructive ideologies become attractive. They offer a vision of a better, positive future for their own group; however, they do so by eliminating the scapegoat or enemy. In the course of the gradual development from blaming to violence, individuals justify their actions by becoming increasingly extreme in their devaluing attitudes. This allows them to maintain a positive image of themselves as moral and good human beings, while the others are seen as evil. Dehumanization also justifies and facilitates further harming. The increasingly negative views of the victims give rise to greater violence on a continuum of destruction. Along the way, the passivity of bystanders (i.e. members of society witnessing the extreme and violent development) allows perpetrators to carry out their harmful acts without repercussions and reinforces them in their views and actions. Passive bystanders themselves change, and distance themselves from victims, sometimes joining the perpetrators.

Staub (1989) has also identified conditions and characteristics of society that facilitate the evolution to extreme forms of violence. Among these are a history of discrimination against the targeted group, unhealed psychological wounds from collective trauma experienced by the perpetrator group in the past, recently experienced violence-induced trauma, the presence of war, and an authoritarian, monolithic political system that lacks pluralism and excludes devalued groups from public discussion.

On the basis of these theories, as a tool in support of reconciliation and justice processes in the Great Lakes region, radio programs have been developed and carried out in Rwanda, eastern DRC, and Burundi that employ “edutainment” techniques to provide psycho-education on these topics. Through a number of fictional soap operas as well as factual and discussion programs (see La Benevolecija 2005 a for a description), citizens in these vulnerable societies are provided with information about how to resist manipulation to violence, how to intervene and act as positive bystanders in the presence of violence and injustice (Staub 1989), and how to cope with trauma in post-conflict societies (Staub and Pearlman 2006). In sum, the focus of the media campaign is on reconciliation after violent conflict, as well as prevention of future violence.

The project is based on the collaboration of an international team of psychologists and communication professionals, assembled by the organi-
zation La Benevolencija, who train and then work with local writers and journalists to implement the goals in radio programs based on the psychological theory described above. The programs are broadcasted in local languages, Kinyarwanda (in Rwanda and Burundi) and Kiswahli (in the DRC). All programs are edited not only by journalists and communication experts, but also by a team of academic consultants who give feedback on the scripts from the perspective of the underlying psychological theories. These additional steps ensure the theory-based approach and quality of the programs. In addition, an extensive and rigorous impact evaluation of the entire campaign is conducted on a regular basis, and has revealed initial positive results (Levy-Paluck 2006).

B. Counteracting Hate Speech: Hate Speech Sensitization Programs in the DRC

In Rwanda, reconciliation radio programs have immense historical and symbolic significance. Only a decade after about one million people were murdered during the genocide, the same technical support tool that was an instrument of the genocide, the radio, is now being used to counteract violence and to promote a culture of peace and reconciliation.

Although in the DRC the historical context of hate speech is far less drastic, the dangers are nevertheless present. Furthermore, given the current political tensions and use of hate speech as described above, radio programs counteracting it have an important and urgent function. Therefore, the most recent expansion of the media campaign in the eastern DRC has been the broadcasting of a series of programs explicitly focusing on hate speech. The first of these programs were broadcasted in October 2006 on Radio Okapi, a local peace radio station set up by the UN. The immediate, short-term goal of these programs was to intervene directly against hate speech before the second round of elections on October 29, 2006, providing Congolese listeners with knowledge to analyze and deconstruct the hate speech they were being exposed to during the election campaign. Specifically, a series of four weekly programs was broadcasted over Radio Okapi all over the country throughout the month of the elections. In these live programs, questions gathered through brief interviews with listeners all around the country ("vox-pops") were answered by experts of the La Benevolencija team. These questions addressed, primarily, (1) the definition of hate speech and the markers that can be used to detect it and distinguish it from more neutral speech; (2) the role of politicians, the media, and citizens in developing and counteracting hate speech; and (3) what Congolese citizens can do to resist and counteract hate speech. The answers to these questions were based on an extension of the existing psychological theory of group violence that has
been used in the programs so far and is described above (Staub 1989), as well as on other psychological theories relevant to hate speech. Common underlying mechanisms and psychological processes were outlined, and the use of hate speech was placed on the continuum of violence, as delineated below. Overall, the primary goal was not the communication of mere theoretical analysis, but instead of practical knowledge that increases competence in detecting, deconstructing, and counteracting hate speech.

In addition to furthering the short-term goal of counteracting hate speech during the election campaign with the series of programs broadcasted weekly in October 2006, La Benevolencia has also planned a long-term media campaign throughout the country to educate citizens and warn against the dangers of incitement to violence. Specifically, in cooperation with Radio Okapi, a year-long series of factual programs about the psychology of incitement to violence is planned, based on the theory of how violence evolves that has been described earlier. Furthermore, for mid-2007 a similar, year-long series of event programs on major Congolese radio and television channels is planned, with the goal of reaching a majority of the audience throughout the country, including the leadership and the intellectual elite. All of these programs include psychoeducation on the elements and effects of hate speech as a crucial step on the continuum of violence.

III. The Roots and Functions of Hate Speech on the Continuum of Violence

A more general definition of hate speech characterizes it as “any form of expression directed at objects of prejudice that perpetrators use to wound and denigrate its recipient” (Bockmann and Turpin-Petrosino 2002). Hate speech expresses irrational, unsubstantiated, and unjustified antagonism toward a group or a representative of a group, frequently entailing consistently disapproving, hypercritical, and reiterated generalizations (Tsesis 2002). In other words, the basis of denigration is often an actual or perceived difference between the speaker and the target of his/her hate speech (Bockman and Turpin-Petrosino 2002), a difference that compels the speaker to draw a sharp distinction between “us” and “them.” Based on these differences, members of outside groups are delegitimized, demonized, or depicted as inferior.

Despite differences in the context, intensity, and specific manifestations of hate speech, general patterns can be observed that apply across cultures and contexts. This knowledge can be the starting point for overcoming the destructive force of hate speech. In working with victims of ethnic violence, Staub and colleagues (e.g. Staub et al. 2003, 2005) have noted that it has significant meaning, and can be transformative, for survi-
vors to learn about similar occurrences in different parts of the world. Information about shared experiences and universal human processes increases the comprehension of the events and can create the hope that a solution for this shared problem, as well as future prevention, is possible (ibid.). Therefore, we chose to illustrate the structures and dynamics of hate speech with a case from a region and historical period different from those discussed so far, in an attempt to exemplify commonalities and parallels.

A less known historical example of the construction of differences in hate speech is the antisemitic campaign that occurred in Poland in 1968. During this campaign, which was largely carried out in the media, Polish citizens of Jewish origin (who had lived in the country for several hundred years and were well integrated in society, frequently actively participating in the political system) were referred to as Zionists and were accused of being disloyal to the Polish state, of having a greater affiliation with Israel than with Poland, and of being a “fifth column” in the country (Stola 2005). In other words, they were depicted as foreigners, implying that they did not belong to Polish society. Portraying individuals or groups as foreigners, for example by tracing back names, origin, and family histories, is one way of constructing negative images and views of the other that have far-reaching consequences.

While the presentation of the other as foreign is often far-fetched or completely untrue, it stigmatizes and places the individual or the groups labeled this way in the category of an outgroup member. This gives rise to all the negative consequences of social categorization (Turner 1987; Tajfel and Turner 1986) that have been demonstrated in the research literature in social psychology, such as increased stereotyping, decreased sharing of resources, and other manifestations of discrimination (see e.g. Brewer 1979; Gaertner and Dovidio 2000). Statements alleging disloyalty of the “other” can create mistrust against the stigmatized individual or group, and even incite irrational fear of the ostensibly subversive group within one’s society.

In the political realm, the label “foreigner” is frequently used to discredit opponents and delegitimize political participation. This is among the central functions of hate speech, which is often an instrument to influence and persuade audiences, with the goal of maintaining or gaining political power (Tsesis 2002). For example, one of the main motivations behind the antisemitic media campaign in Poland in 1968 was to gain power in the rivalry between opposing fractions within Poland’s ruling Communist Party. Following an intense phase of hate speech in the media, this was achieved by a purge of Polish Jews from their jobs and party positions in the course of the campaign (Stola 2005; Wolak 2004). However, while hate speech often has such instrumental use and value to those who practice it, it can also be an expression of deeply held negative views and feelings toward
another. Such negative views and feelings intensify in the course of the evolution that has been described.

In order to manipulate the audience with hate speech, gain support, and achieve the goal of political power, the speaker needs to communicate efficiently with his or her audience. Such communication is facilitated by drawing on concepts and images that are familiar to the audience and embedded in society and culture. Therefore, hate speech often builds on existing stereotypes, societal beliefs, cultural meanings, and other preconceptions about the targeted groups (Tsesis 2002). In Poland, for example, antisemitism had a long history, and was shared by large parts of the society, at least to some extent (Wolak 2004). Powerful stereotypes about Jews were widespread. For example, the neologism Żydokomuna (“Jewish Communism”) captured the belief that Jews were responsible for the introduction of the unpopular communist system (Szaynok 2005).

Citizens are more likely to offer support when they are provided with simple solutions to problems that concern them personally. Therefore, audiences are particularly vulnerable to hate speech in times of societal chaos and difficult life conditions, which is, as described above and according to Staub (1989), one important starting point of the evolution of violence. The simple solutions that are offered to the listeners often consist of blaming a group or political opponent for the existing problems, implying that once the offender is removed from power and without political influence, the problems will cease to exist. Intense blaming and scapegoating are therefore further frequent characteristics of hate speech. By offering these simple solutions, the speaker provides listeners with hope and fulfills the need for security. As a result, political support for the speaker is likely to increase. If the speaker is in power at the time of the existing problems, blaming another group also shifts responsibility for these conditions and problems in society, so that further justifications are not needed.

Hate speech often begins in a subtle and hardly noticeable manner. This is important because a too-sudden onset of intense communication of hatred is likely to alienate many listeners. Therefore, perpetrators of hate speech frequently start by using existing stereotypes and widespread beliefs that appear acceptable in a given society and are questioned by only a few. The degree of derogation gradually becomes more extreme. Using hate speech in public, for example in the media, is essential for eliciting broad societal support for exclusionary and destructive ideologies (Tsesis 2002). Through continuous repetition, certain messages become acceptable, a normal part of everyday life. In this way, listeners habituate to dehumanizing language and destructive ideologies. This allows for a gradual increase of the extremity of hate speech, and constitutes a progression on the continuum of destruction as behavior is carried out that justifies the expressed
beliefs and vice versa (Staub 1989, 2005). Throughout all historical cases, these structures and dynamics of hate speech are, in principle, comparable and therefore universal. Differences exist, of course, in the extent and scope of the resulting violence. In Poland, the primary effect was structural, leading to the mass emigration of almost the entire Jewish population that had remained in the country after the Holocaust (Stola 2005; Wolak 2004). As mentioned earlier, in the Great Lakes Region of Africa hate speech has been an important element in moving the society to direct, intense violence at the very end of the continuum–genocide. This most extreme form of violence is regularly preceded by dehumanization and hate speech (Chalk and Jonassohn 1990; Genocide Watch). Along the way, less visible but very harmful effects such as intense psychological distress among members of the targeted group can occur, even predicting increased suicide rates in targets of hate speech (Mullen and Smyth 2004).

To summarize, hate speech plays a crucial role in the evolution of violence and the steps leading to destruction. Hate speech entails devaluing, dehumanizing, and scapegoating the target, who is frequently used by leaders to explain difficult life conditions and gain support. Hate speech transports destructive ideologies. For listeners exposed to hate speech on a regular basis, for example through mass media, these destructive ideologies and dehumanizing messages become normal. The habituation allows a gradual increase in the extremity of expressed hatred, preparing for violence that can lead from structural and political exclusion all the way to genocide.

Hate speech is, of course, only one of a number of important influences that act together to move a society to significant violence against another group. Among other influential factors are lesser forms of direct or structural violence, which change people and facilitate the perpetration of more severe violence (Staub 1989; 2005). However, hate speech has a particularly important role in generating and increasing feelings of hate in large groups.

IV. DETECTING AND DECONSTRUCTING SUBTLE FORMS OF HATE SPEECH: EARLY WARNING SIGNALS

While blatant hate speech is easy to identify, it is more difficult to detect subtler forms. However, the use of one of these less overt forms can be one of the first steps along a continuum of destruction as described above (Staub 1989). It is therefore crucial to know how to detect not only obvious expressions of hatred on a more advanced stage of the continuum of violence, but also subtler forms of hate speech. This allows it to be counteracted at an early stage, and prevents its gradual increase and normalization, which would otherwise result in violence of different forms and
intensity. This more detailed knowledge is also important as research has shown that even a simple sensitization to the practice of hate speech can decrease support for its use (Cowan et al. 2002).

Ideally, this sensitization should entail making oneself familiar with a broad range of the characteristics of hate speech. For the purpose of this article, we focus on two aspects of hate speech, and introduce a relevant concept and related sets of criteria for each. These criteria can be applied in order to analyze and identify hate speech in early stages. They describe (a) different forms by which dehumanization occurs, and (b) standards describing violations of argumentative integrity in communication.

A. Detecting Subtle Forms of Dehumanization

Dehumanization is a frequent element of hate speech, and is used to vilify the target (Genocide Watch). It also has the effect of disinhibiting violence (Bandura 1990; Bandura et al. 1975). Thus, dehumanizing descriptions of individuals and groups are an alarming signal of hate speech and the danger of future violence, and its early detection is crucial. Dehumanization can take on blatant forms, such as labeling other groups or individuals with animal names. During the genocide in Rwanda, for example, Tutsis were labeled as *inyenzi*, “coakroaches” (see des Forges 1999). However, dehumanization can also play out in various other, subtler ways.

Haslam (2006) has developed a classification of different forms of dehumanization, and has made the distinction between animalistic and mechanistic dehumanization. The first category is present when individuals or groups are denied characteristics that constitute human uniqueness. These include civility, refinement, moral sensibility, rationality or logic, and maturity. Accordingly, we can speak of “animalistic dehumanization” when others are labeled with any of the following characteristics: a lack of culture, coarseness, amorality or lack of self-restraint, irrationality, predominance of instincts, or childlikeness (p. 258). A second kind of dehumanization occurs when individuals or groups are denied characteristics that constitute human nature, such as emotional responsiveness, interpersonal warmth, cognitive openness, agency or individuality, and depth. Thus, “mechanistic dehumanization” is present when others are labeled as inert, cold, rigid, passive, fungible, or superficial (p. 258).

As this analysis shows, dehumanization occurs in ways that are subtler and more surprising than one might commonly think. However, once an individual or group is referred to repeatedly or labeled publicly in one of these ways, the inhibition against and threshold for using more extreme forms of dehumanizing hate speech are both lowered.
B. Detecting Violations of Argumentative Integrity in Communication

Another central aspect of hate speech is that it is simplistic and unbalanced communication. It violates standards of argumentative integrity by using speech acts that cannot be perceived as fair according to implicit norms of communication. These norms can be represented by 11 standards of (un)fair argumentation that have been delineated by Schreier and colleagues (1995). We will present the six that seem particularly relevant to hate speech.

Specifically, those that involve a direct reference to other individuals overlap with derogating and dehumanizing speech acts. This entails discrediting of others (violation of standard 8) and the expression of hostility (standard 9). Others are discredited when the speaker uses personal attacks and devaluation rather than objective arguments. The expression of hostility increases this attack as the other is treated as if s/he “were your personal enemy” (Schreier et al. 1995, 284).

Violations of fair argumentation in everyday communication also include a number of other aspects that can play an important role in the genesis of hate speech. The violation of standards of fair argumentation (developed and validated by Schreier et al. 1995) is perceived as a breach of the sincerity and cooperativeness in argumentative communication. Such violations occur on four dimensions, namely faulty arguments (I), insincere contributions (II), unjust arguments (III), and unjust interactions (IV) (Schreier et al. 1995, 282). Discrediting is a prototypical violation on the dimension of unjust arguments, while the expression of hostility lies on the dimension of unjust interactions (Schreier et al. 1995, 284). Within dimension III, the distortion of meaning (standard 6) also plays an important role in the development of hate speech. One way in which this plays out is, for example, when arguments of the targeted group are misrepresented so that they will be rejected more forcefully. Within the dimensions of faulty arguments (I) and insincere contributions (II) there are also several standard violations within which hate speech frequently operates. On the level of insincere contributions, for example, shifting of responsibility (standard 4) is present when stigmatized and persecuted groups are blamed for political events and societal problems for which they do not have true or objective responsibility. Likewise, the pretense of truth (standard 3) can be viewed as a general instrument of hate speech, since subjective attitudes are presented as objective truth and even falsehoods are communicated with the certainty of an objective claim of truth. On dimension I, refusal of justification (standard 2) is particularly relevant for hate speech. Strong ideological statements are usually slanted to such a degree that they can be maintained only by refusing rational discussion when confronted with counterarguments.
The dimensions outlined here demonstrate that problematic features of everyday communication are relevant in the development of hate speech and can be used as a guideline to detect it in early stages. Future research will have to clarify how often and to what extent each of these standards is violated in hate speech. This research will also provide the further development and empirical validation of tools that can be used to detect characteristics of hate speech and sensitize listeners to this issue (see also Christmann et al. 2000).

V. SUMMARY: DETECTING AND DECONSTRUCTING HATE SPEECH

To summarize, hate speech plays a crucial role in the evolution of violence. It can manipulate listeners and distract from constructive solutions to existing problems in society. However, the analysis presented here suggests ways in which listeners can analyze information to detect hate speech and resist its influence. Based on our review, we would like to propose that the following elements are central characteristics of hate speech that should alarm the listener.

(1) The communication contains instigating elements of the continuum of violence.
   a) The core element is a distinction between “us” and “them.” Individuals or groups are referred to by using their group membership, and information about their (alleged) origin is used to label them as foreigners. Frequently this is achieved by pointing to their affiliation with a region, nationality, religion, or language group different from that of the majority of listeners.
   b) These individuals or groups are blamed for the misfortune of the country in terms of historical or present difficulties.
   c) These individuals or groups are accused of disloyalty, treachery, alliance with other countries (in particular with the enemy) or the previous regime, thereby implying threat and appealing to the listeners’ emotions.

(2) The communication is derogatory and violates standards of (argumentative) integrity.
   a) Personal insults and attacks on the integrity of an individual are involved, and the communication is defaming and derogatory.
   b) The arguments are unbalanced and are not objectively verifiable with facts from other sources or standards of a rational argumentative debate.
   c) The legitimacy and ability of an individual or group to hold political
power and influence is questioned, or it is claimed that this person or group has too much power.
d) The targeted group or individual is denied distinct characteristics of human nature.
e) An individual or group is threatened, for example with revenge.

(3) *The suggested strategies do not offer real or constructive solutions to existing problems, and serve self-interests of the speaker and/or his or her group only while harming another group.*
a) The speaker attains direct political gain and an increase in power by harming the target.
b) There is a focus on individuals or groups instead of on issues.
c) By focusing on one alleged source of problems and blaming the targeted group or individual, the accuser offers solutions that are simplistic and do not take into account the complexity and multifaceted nature of societal problems. The promised solutions are therefore not real solutions to the existing situation.
d) The offered solutions are destructive rather than constructive in nature, as they are based on the exclusion of certain individuals or groups from political power or the society in general.
e) The communicated ideas and suggested solutions for problems are not inclusive of all in society, but instead benefit a specific group while excluding others.

**TABLE 1. CHARACTERISTICS OF HATE SPEECH VERSUS NEUTRAL SPEECH**

<table>
<thead>
<tr>
<th>Hate speech</th>
<th>Neutral speech</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arguments can be shared/support by only one group</td>
<td>Arguments can be shared/support by many groups</td>
</tr>
<tr>
<td>Biased view, one-sided and distorted perspectives</td>
<td>Balanced view, multiple perspectives</td>
</tr>
<tr>
<td>Destructive spirit and solutions</td>
<td>Constructive spirit and solutions</td>
</tr>
<tr>
<td>Focus on blame, personal attacks (on the integrity of one person or group)</td>
<td>Focus on issues and facts</td>
</tr>
<tr>
<td>Solutions benefit only one person or group</td>
<td>Solutions benefit all of society</td>
</tr>
<tr>
<td>Exclusive/excluding of others</td>
<td>Inclusive of all</td>
</tr>
<tr>
<td>Simple</td>
<td>Complex</td>
</tr>
<tr>
<td>Derogatory language</td>
<td>Neutral, respectful language</td>
</tr>
<tr>
<td>Emotionally charged (especially anger, fear)</td>
<td>Neutral and objective communication</td>
</tr>
</tbody>
</table>
These characteristics of hate speech are summarized in table 1. While not all must be present in a given piece of communication in order to define it as hate speech, this classification provides a tool that allows us to analyze any given statement, speech, or article for elements that typically distinguish neutral communication from hate speech. It must be pointed out that this dichotomy is a simplification that has been drawn for the sake of illustration. In reality, the boundaries are more fluid. However, we believe that this contrasting depiction provides a useful heuristic that will enable listeners to detect signals of hate speech in the early stages.

VI. CONCLUSION: COUNTERACTING HATE SPEECH

Once hate speech has been detected, sensitized and motivated listeners can engage in activities that counteract its destructive effects in several ways. In discussions with family, friends, neighbors, or other members of their communities who are recipients of hate speech, they can question the soundness and truth of the faulty arguments and insist on justifications and facts that would support the arguments presented. Sometimes common sense, the use of a critical consciousness, and already existing knowledge among those who are participants in such discussions can disconfirm the veracity of hate speech. At other times, multiple media outlets and diverse sources (including foreign and independent press, or information from impartial, non-governmental organizations) can be used in order to provide evidence of the bias in the views presented, as well as the objective facts that challenge them. In discussions about the groups or individuals that are targeted by dehumanizing hate speech, descriptions can be used that humanize them. This can be achieved, for example, by emphasizing their characteristics that constitute human uniqueness as described above, or by pointing out other aspects of shared humanity, such as common fate, or shared goals and emotions.

In communication with members of the groups targeted by hate speech, it is crucial to provide emotional support and show solidarity. It is important to show awareness and address the nature of surrounding issues and the fact of hate speech, even though such discussion is sensitive and likely to cause unease, for example because of the sudden appearance of differences through hate speech where before perhaps none had been perceived. Specifically, it should be expressed that the nature of the accusations and derogations has been recognized, and is not shared. Exploratory research (Vollhardt 2006) has shown that such solidarity and support from members of groups that are not targeted can alleviate the harmful effects on the target. Additionally, when solidarity and rejection of the derogations is expressed by someone who belongs to the same social group as those who
are using hate speech, it makes it less likely that the entire group will be perceived as antagonistic, and therefore reduces the potential for cycles of violence.

In conclusion, on the one hand it is evident that hate speech is a destructive political tool that must be fought on the societal level, with legislation and other structural and political interventions. However, on the other hand it is also important to keep the active role of the recipient in mind, and the individual’s ability to apply knowledge to detect and analyze hate speech even in early stages. Educational programs and sensitization campaigns, such as the reconciliation radio programs in Rwanda, Burundi, and the DRC, are essential for increasing this knowledge. They reinforce the listener’s ability to resist manipulative influence and strengthen the individual’s role as a powerful contributor to counteracting hate speech in society.

REFERENCES


De Fossard, Esta. 1996. How to write a radio serial drama for social development:


Gourewitch, Philip. 1998. *We wish to inform you that tomorrow we will be killed with our families: Stories from Rwanda*. New York: Picador.


2006/07] DECONSTRUCTING HATE SPEECH 35

The Politics of Hate: Ultranationalist and Fundamentalist Tactics and Goals

Joan Davison, Ph.D.
jdavison@rollins.edu

ABSTRACT

Ultranationalist and religious fundamentalist movements frequently use hate to mobilize people. These groups possess a sophisticated understanding of the importance of appealing to the emotions. Leaders often employ xenophobic language intended to inspire fear and justify a defensive reaction. The movements also rely heavily upon symbols, myths, and public events to simplify and communicate the “truths” of their ideologies. The leaders convey messages with tremendous affective appeal. Yet, measures exist to counter and contain the politics of hate. The development of civil society, group rights, a free media, and integrated institutions can contribute to a durable solution in cases of ethnic or religious conflict. Finally, the option of humanitarian intervention exists when the politics of hate leads to extremist violence.

I. NATIONALISM, RELIGIOUS FUNDAMENTALISM, AND THE POLITICS OF HATE

Nationalist and ethno-religious conflicts continue to influence domestic and global politics. International and non-governmental organizations appear impotent against seemingly primal struggles. The politics of blood, tribes, terror, and God dominate as the promise of post-Cold War peace and development recedes. In the midst of genocide and terrorism, our belief that we had learned a lasting lesson from the Holocaust seems sorely mistaken. The atrocities and death counts of Rwanda, Congo, Bosnia, Kosovo, Kashmir, Sri Lanka, Lebanon, and Sudan blur while nationalism and religious fundamentalism perpetuate the politics of hate.

Huntington’s “The Clash of Civilizations” contends that violent national conflicts are inevitable, particularly at the junction of cultures in the Middle East and Balkans (1993). Ignatieff’s Blood and Belonging acknowledges tension between ethnic groups, but posits that some minorities are justified in their struggles. He perceives political and economic oppression to be a fundamental source of ethnic conflict (1993). Anderson’s seminal work on nations as imagined communities highlights the view that nations are constructed (1991). Hobsbawm also argues that nations are constructed and therefore can change, but only slowly given the dense web of relationships upon which ethnic identity is built (1990). This
perspective further suggests that national leaders maintain allegiance by creating ethnic traditions and identifying threatening enemies (Djilas 1995; Pesic 1994; Davison and Tesan 2006). Gellner and Smith each examine nationalism as an ideology with a program (1983, 1; 1983, 171). The politics of hate as part of the program becomes necessary to demonize and dehumanize the other as the enemy (Volkan 1994, 120-22). Similarly, Appleby, Eickelman, and Juergensmeyer each demonstrate how fundamentalist leaders employ modern technology and media to agitate and mobilize their social base (1994, 36-37; 2002; 2003, 141-47). Fundamentalist groups deliver images via television, the internet, and cellphones which highlight the enemies’ profanity against the sacred world they strive to defend.

Yet such conflict is not inevitable. Nationalist and religiously inspired tensions have been quelled in situations as diverse as those in Northern Ireland, Macedonia, and Malaysia. The challenge is to understand and implement the conditions and processes necessary to counter the hate and conflicts which nationalism and fundamentalism can promote (Harff and Gurr 2004, 181-90). Indeed, not all nationalisms seek to generate hate, but those that do often act systematically and employ sophisticated techniques. Charismatic leaders seek to solidify support with pleas for unity and vigilance. They sometimes exaggerate or fabricate claims about the threatening tactics and dangerous plans of the political opposition. Likewise, some fundamentalist groups justify militant conflict as an essential defense against evil enemies. Thus the politics of hate develops by stealth and then spirals as popular fears lead to conflict. Nationalist and fundamentalist supporters embrace violence spurred by ignorance and insecurity. Still, such violent conflicts are neither primal nor inevitable. Political alternatives and remedies do exist to preclude or ameliorate the implementation of the politics of hate and its violent consequences. Policy-makers and conflict mediators can learn from the resolution of other cases (Lake and Rothchild 1998, 7-22, 203-26). Religious and nationalist leaders can promote their political preferences without communicating messages of hate.

II. NATIONALISM: THE IDEOLOGY AND ITS APPEAL

Contemporary nationalisms attract followers because they provide people with identity. Nationalism’s sense of belonging offers comfort to individuals confronting alienation associated with migration, globalization or secularization (Nassar 2005, 3-15; Kaldor 1996, 43). The potency and appeal of nationalism is linked to its certainty and consolation. Nationalism asserts various rights as uncontestable facts. Typically these rights include cultural autonomy and self-determination. Often these rights also extend to claims on specific historical lands. Proponents of the nationalist cause dis-
regard the fact that these assumptions are debatable (Ignatieff 1996, 217-22). Likewise they overlook the mythical character of the very history of the nation—whether that origin extends to Romulus and Remus or to the Serbian Battle of the Field of Blackbirds or to the Promised Land of a sacred text.

Nationalism is a group’s awareness and embrace of its identity as a nation, and its desire to enhance its existence and power. Nationalism, as an ideology, is more than mere patriotism or nationalist sentiment. Nationalism calls for the supreme loyalty of its members to the nation. A nation is a people who believe they belong together because they share race, history, religion, culture, or language. A nation is different from a state. A state is an international juridical entity which effectively occupies a territory and governs a population. It is possible that a nation may occupy a state, or desire statehood. Indeed, statehood frequently is the goal of nations. It also is possible that a nation exists on a regional or global level and includes people from multiple states. This is the case with the Islamic nation. It also is true of the Kurdish nation.

Nationalism is a powerful concept because of its emotional content. Nationalist leaders appeal to potential supporters on behalf of their ancestors and grandchildren. They assert that members can neither ignore the contributions and sacrifices of the past, nor abandon the rights of future generations (Volkan 1996). Nationalism often is an appeal made to the weak and insecure. In the twenty-first century, nationalism attracts people who feel oppressed by political or economic forces (Michnik 1996, 18; Fijalkowski 1996). It offers a sense of identity to those who feel victimized. This includes both the young German encountering guest workers and the Iraqi responding to American forces. The potency of the nationalist appeal is evident among generations of Palestinians born and raised in refugee camps who still seek the right to return. Under these conditions, people lack citizenship’s identity and rights, and seek to expel occupation forces from their historical lands. The fact that Palestinian victimization raged against Israelis but not against the Jordanians and Egyptians highlights the subjective element of nationalism. Similarly, refugees who must remain in camps tend to construct and reinforce histories of injustice, while refugees who resettle and integrate into new environments tend to identify with the new situation. This is vividly apparent in the differences in attitudes held by Burundian Hutus toward Tutsis. Hutu refugees who found jobs and assimilated into Tanzanian society after the 1972 massacre de-emphasized their status and Tutsi abuses. In contrast, Hutus who remained isolated in refugee camps in Tanzania emphasized their collective identity and the atrocities they suffered. They spent the days and years in the refugee camps inculcating a nationalist identity among their youth, demonizing the Tutsi...
enemy, and planning a retaliatory attack (Malkki 1990). Thus, nationalism appeals to the colonized, oppressed, threatened, and displaced. It often resonates with people who do not have control over their political lives (Nassar 2005). This is evident among the Kurds, the most populous state-less people, now spread across Turkey, Iraq, Syria, and Iran (Ignatieff 1993, 178-212).

Nationalism also appeals to groups that feel under siege or in decline. It was attractive to Germans overwhelmed by the humiliation of World War I, the Versailles Peace, and the Depression. It became a tool of many African post-colonial leaders who realized that they had to engage in nation building in order to avoid implosion after achieving independence. To this extent, it is understandable that African post-colonial nationalism initially was anti-Western. Nationalism often originates as an ideology of independence and then matures to one of national consciousness. African leaders tried to appeal beyond ethnic and class differences within their new states (Young 1986).

Many current nationalist movements develop among ethnic groups or indigenous peoples who oppose both the government and its perceived foreign allies. Sometimes the target is foreign investment and business people. The sabotage of western oil pipelines in Nigeria and Colombia serves as an example. Likewise, the Tamil Tigers often bomb banks and businesses of the “foreign” Sinhalese, including the Sri Lankan Central Bank and World Trade Center. Other groups’ targets include Western transnational and international governmental organizations. Most dramatically, insurgents bombed the UN headquarters in Iraq. Thus, the assumption that Westernization is progress is firmly rejected as the Western presence is portrayed as detrimental and the virtues of a nationalist agenda extolled.

Nationalisms often identify an enemy and warn of the need for vigilance. The enemy’s threat first compels national unity; then, in an interactive process, national unity and identity enflame xenophobia (Fijalkowski 1996; Kaldor 1996; Schopflin 1996). Young explains how ethnic tensions develop in African cities where ethnicities mingle and competition for resources is intense (1982, 89). In rural regions, ethnic groups tend to be isolated, but migration to urban areas brings political, economic, and social confrontation. People then seek comfort within their familiar group. Ignatieff also highlights how nationalism offers comfort in the midst of modernization and detachment from traditional community (1996, 223). The same process sometimes affects Muslims in the Global South. Urbanization dislocates people, while globalization highlights their poverty. Dictatorship and political oppression frequently compound the sense of despair even among the educated and middle classes. Islamic fundamentalism offers familiarity, identity, a sense of power, and a socio-economic support sys-
tem. Militant fundamentalism often includes promises and emotional appeals not offered by moderate Muslims (Esposito 1997; Dalacoura 1998, 193-98; Sisk 2000; Ibrahim 2003; United States Institute of Peace 2002). Islamic fundamentalism also may target the foreign and modern as evil and dangerous (Nassar 2005, 6-7). Accordingly, extremists bomb tourists in Algeria, Egypt, Turkey, and Bali.

Sometimes nationalism supports violence or revolution. The nationalist revolution promises freedom and independence, and permits the group to fulfill its identity. The leaders justify the violence of the revolution as heroic and sacrificial, and highlight the glory of post-revolutionary society with songs, parades, and wall murals. Violence is permissible because the oppression is unjustifiable. It is foreign and unrepresentative of the nation. Revolution is necessary because the oppressor otherwise has no reason to abandon its political and economic exploitation of the people. In this light, Sinn Fein leader Gerry Adams asserts that the IRA tactic of armed struggle proved successful and forced the current political process.

Thus, nationalism begins with the assumption of a unique, if not superior, group that must pursue its power to preserve its identity. The appeal to individuals is tremendous. It provides identity to individuals, often the weak who are either oppressed or dislocated. It should be understood that these individuals are not exclusively the uneducated or poor, but rather include the middle class and educated who in some situations are nonetheless voiceless. For example, Esposito argues that the Islamist appeal attracts the educated, even the Western educated, because professional organizations are banned in much of the Middle East (Esposito 1997, 70). Islamic organizations, like various nationalist groups, offer vehicles for discussion and participation. Individuals find not only belonging, but also comfort in the fact that they are valued. Nationalist movements tend to emphasize the membership’s character as unique, special, and strong. Fijalkowski discusses the xenophobic reaction of middle and working class Germans to the “anomie that accompanies rapid social change” (1996, 144).

Nationalism typically extols ethnic cleansing or self-determination as the answer. It is claimed that the problems of the groups and its members will be overcome with political control. Economic and social problems will become manageable and resolvable under the nation’s leadership. The immediate goals are to build the nation and expand its power. Individual political leaders seeking to justify the consolidation or expansion of personal power further manipulate nationalism (Pesic 1994, 133-34). Milosevic continuously employed the images of the promise of Serbian greatness and the threat of Serbian defeat to rally the people and to justify his concentration and use of power. Croats, Muslims, and Albanians were threats to the Serbian nation.
Nationalism can overlap other identities. Sinn Fein tends to be Catholic and lower class, while the Unionists are Protestant and middle class. Such an overlap transforms the nationalist tensions into an ethno-religious conflict and further complicates resolution. Hutus were lower class and felt long suppressed by Tutsis. The African Christians of southern Sudan reject northern Arab Islamic laws and practices. The overlapping identities reinforce loyalties, contribute to the intensity of nationalist conflicts, and exacerbate efforts to resolve claims. Clearly, nationalism is a potent ideology. It is a keen tool for those wishing to mobilize populations. Both India and Pakistan have employed it in their dispute over Kashmir. Additionally, each deems acquisition of nuclear weapons linked to national prestige and power.

III. Virulent Varieties: Ultranationalism, Neo-Nazism, and Neo-Fascism

Ultranationalism subordinates all other claims for loyalty and allegiance. This explains why a Serbian nationalist could kill a Bosniak relative. Loyalty to the nation transcends loyalty to the family. Likewise, this notion explains the commitment of Tamil Tiger nationalists to engage in suicide missions. Ultranationalist loyalty demands the willingness to sacrifice the self. Indeed, the extremist nationalist claim not only is understood as supreme, but also is presented as urgent. Ultranationalist groups often perceive threats to their existence and argue that they must engage in preventive measures, such as ethnic cleansing or deportation, to counter these dangers. Both the radical Hutu and Serb leaderships asserted such claims. In these cases, unquestioned dedication to the group is essential for both the group’s and the individual’s survival.

Ultranationalist parties exist today throughout Europe. These right-wing movements have followers in both the post-industrial developed states of Western Europe and the democratizing states of the former Soviet bloc. The fact that support for these parties exists in states as diverse as Austria, France, Germany, Norway, and Russia suggests that there are multiple factors contributing to their attractiveness. In France, the strength of the right primarily is a response to the growing population of foreign workers, particularly from northern Africa. Haider’s popularity in Austria is attributable to his personal charisma as well as to concerns about the alienating effects of European unification. Many west European youth are attracted to extremist groups because they offer a justification for rebellion against established institutions (Fraser 2000, 55-88; Fijalkowski 1996, 144). In contrast, the growth of extremist movements in Russia is different. The mass appeal of
ultranationalism in the former Soviet Union cannot be understood as a reaction to the failure of democracy, because democracy has yet to be embraced. Rather, nationalist movements and policies are perceived as a way to control the instability associated with the transition from communism. Additionally, these movements contribute to a sense of national identity and greatness during a time of confusion and humiliation (Nodia 1996, 108-16).

Most contemporary European ultranationalists do not assert the essentiality of force and war. Violence seems unjustifiable because democracy provides European groups the freedom to make their claims in the political arena. Accordingly, there is a distinction between extremist nationalist movements, such as Le Pen’s in France, which vociferously advocate law and order and immigration controls, and atomized skinheads who embrace violence as a legitimate response to non-whites and foreigners. Furthermore, even most ultranationalists support a democratic albeit authoritarian state. They are not as extreme as neo-Nazis and fascists who embrace dictatorship. The unifying principle then seems to be that ultranationalist movements perceive the nation not only as a living and precious entity that advances individual and collective well-being, but also as an entity superior to others which demands protection and attention.

Neo-Nazism and neo-fascism are particularly troubling variants of ultranationalism. Whereas other nationalisms claim uniqueness, neo-Nazism and neo-fascism assert superiority. Many nationalist groups fight for immigration controls, autonomy, or self-determination, but a will to power drives neo-Nazis and neo-fascists. The neo-Nazis and fascists embrace violence as necessary for the security and expansion of the nation and the progress of culture and civilization (Mussolini 1939). Additionally, the social Darwinist beliefs of neo-Nazis justify dictatorship. Just as the Aryan nation asserts superiority over all other groups, so too, within the Aryan nation certain individuals are superior and ought to lead (Hitler 1926).

The skinhead culture in developed countries is particularly troubling to some politicians because of its embrace of neo-Nazi slogans, symbols, and causes. Skinheads do not fit into the traditional neo-Nazi classification because they tend to engage in decadent lifestyles that include drugs, hard rock, and pornography. Indeed, their politics are ambiguous, with some groups advocating dictatorship and others supporting anarchy. Yet it is the hate and anti-foreign violence of these groups which is particularly disturbing, not the threat that their presence presents to democracy (Sussman 2000; Fijalkowski 1996, 139-40).

While neo-Nazism exists, it seems insufficiently organized to win elections or overturn democratic institutions; but the message of hate often
culminates with attacks on individuals. Neo-Nazis and fascists embrace the use of force and terror. They reject both the equality of people and the notion that individuals possess rights inviolable by the state or nation. What is distinct about these movements is that their members do not hope to attract significant popular support and win elections. Rather, they often operate covertly and in small groups, seeking to promote their ideology through action and publicity. In the United States, many of these groups also are involved in the Christian Identity movement, which introduces the façade of an ethno-religious quality and heightens the emotional appeal and doctrinal character of the ideology. The internet is a primary tool for communication, recruitment, and propaganda.

It is critical to understand that there is a broad divide between nationalism, ultranationalism, and neo-Nazism. Nationalists are willing to negotiate, do not always view force as essential, and may be democratic. They strive to protect their uniqueness. Ultranationalists represent a nationalist extreme because their supreme loyalty to their nation coupled with an urgent sense of danger leads them to be less tolerant of the “foreign.” Political leaders can mobilize ultranationalists because of these tendencies. Finally, Neo-Nazis accept their superiority and responsibility to purify the nation. Hate and violence are integral to the movements. Indeed, a related disturbing trend is the strength of “clerical fascism” as part of the general growth of religious ideologies and in particular associated with fundamentalism.

IV. Clerical Fascism and the Fundamentalist Appeal

Many ethno-religious groups attract attention because of their authoritarian practices, totalitarian goals, uncompromising vision, and extreme tactics. Laqueur labels these dangerous religious movements as clerical fascists (1996, 4, 147). These groups embrace fascist tenets that justify violence and authoritarianism and reject tolerance and liberal democracy. They also extol a fundamentalism which rejects compromise and places conflict in a cosmic arena. Fundamentalists’ use of sacred texts and eschatological themes validates judgment and conflict in the name of God. The use of force and violence assumes a purifying and redemptive role for ethno-religious groups (Juergensmeyer 2003, 164-74).

The resurgence of religion often coincides with popular dislocation and disaffection. Malay Muslims, for example, emphasize that they have lived through four ages: European colonization, Japanese occupation, independence, and the communal riots (Nash 1991, 699-710). The Taliban organized in the religious schools which served Afghan refugees in Pakistan during the conflict with the Soviet Union (Nojumi 2002, 119-24).
Religion also interrupts the secularization of politics and privatization of religion otherwise associated with modernization. For example, as urbanization occurs and individuals leave villages and families for work, religion gains appeal because it offers a mechanism of support in a new and challenging environment (United States Institute of Peace 2002, 2). Appleby highlights that the Muslim Brotherhood provides jobs in religious schools for Egypt’s educated, that Hindu fundamentalism attracts India’s urban unemployed, and that Christian fundamentalism comforts Latin America’s slum dwellers (1994, 22-28). In developing countries and emerging regions where social welfare systems are weak, religious organizations often provide not only emotional support, but also economic support. Religious groups run hospitals, schools, soup kitchens, and shelters (Marty and Appleby 1991, 823-31; Deiros 1991, 155-56; Voll 1991; Appleby 2000, 97). Such groups exist on a spectrum from the Quakers and Mennonites to Hizbollah and Hamas, but their operations are critical to refugees and people in weak states. Sometimes these groups, for example the Mennonites, are apolitical. In other cases, they will try to influence political and economic policy and systems so that the structures which give rise to the poverty and powerlessness of those they serve are forced to change. The Quakers fall into this category. Religious beliefs provide the foundation for a worldview and the evaluation of political and economic systems and policies. Fundamentalists such as Hizbollah and Hamas differ in that they wish to impose their religious order on all aspects of public and private life. Fundamentalists accept a literal translation of sacred texts and elevate these texts above all other teachings and beliefs. Absolute commitment to the fundamentalist truth nurtures intolerance and rejection of compromise. Further, militant fundamentalists raise particular concern because they embrace the use of force as a means to achieve power and their goals.

Fundamentalists emphasize the religious basis of all life, but it is social, political, and economic conditions which support the rise of these ideologies. Fundamentalism appeals to those seeking power, status and/or revenge. It once was assumed that primarily the rural, less educated, low-income people swelled the ranks of these groups. Now it is realized that this is a myopic and simplistic conclusion. Fundamentalism attracts individuals and groups who are disenchanted by political or economic corruption or exclusion. Often this includes the unemployed, but well educated middle and upper classes. In fact, urban believers may embrace their political religious beliefs with a greater intensity than rural members because in urban regions there exists a critical mass of potential members confronting Westernization. Furthermore, newcomers to urban areas find consolation from the challenges of dislocation, modernization, and urbanization in their

Fundamentalism satisfies those who desire the simplicity and status quo of the past. Familiar rituals and prayers are a source of comfort in times of globalization. There is a preference for gender stereotypes in which men work, women stay at home, and homosexuality does not exist (Juergensmeyer 2003, 202-09). Fundamentalism’s traditional foundation appeals to both men and marginalized majorities who may feel excluded by policies that respond to the needs of women and minorities. This certainly is part of the strength of Hindu fundamentalism in India, where educated Indian middle classes react to affirmative action policies that seek to alleviate historic discrimination against Muslims and lower castes (Appleby 1994, 25-28). Likewise, many Malay Muslims embraced fundamentalism in their reaction against the successful Chinese minority (Nash 1991). This phenomenon also explains the strength of the appeal of Ian Paisley to the working class Unionists in Northern Ireland. Working class Catholics threaten working class Protestants more than do upper class Protestants. Finally, it explains the appeal of fundamentalism to the white population in South Africa during apartheid. Pat Robertson made sense to Afrikaners when he said about apartheid,

I think one man, one vote, just unrestricted democracy, would not be wise. There needs to be some kind of protection for the minority which the white people represent . . . and they need and have a right to demand a protection of their rights. (1992)

Thus, the religious fundamentalist program is deemed the only solution to crises ranging from war and occupation to modernization and secularization. These crises produce a sense of injustice and siege that are powerful vehicles for unity and mobilization (Juergensmeyer 2003, 225-26; Marty and Appleby 1991, 822-23).

Fundamentalists reap great benefits from the strong emotional content of their ideologies. The power of the promises of God and an afterlife are compelling for believers, particularly those who feel disadvantaged or oppressed in the current system. These promises are critical factors in mobilizing adherents to action. Fundamentalists typically are committed to sacred land and locations. They often accept a prescribed dress which functions as a means of identification and unity. The common dress emphasizes the significance of the religious movement over individuality (Appleby 1994, 16-18).

Additionally, contemporary fundamentalist movements benefit from their willingness to embrace new technologies and techniques to promote
their strict traditional values. Fundamentalist groups in the Middle East as well as America possess well-developed media networks. The internet is a critical tool whereby these organizations enroll and maintain membership, and engage in active public relations campaigns (Marty and Appleby 1991, 828-29).

Whether fundamentalist movements become militant seems to be linked to their ideology and the environment in which they exist. Like secular ultranationalist groups, it is less likely that fundamentalist movements will turn to militancy if they are able to operate in open democratic environments where they have access to a civil society, the media, and the political arena. Such access will make claims for the necessity of militant violence less valid. Consequently, most Christian fundamentalist groups in the United States are very active in the political arena, but do not engage in violent action (Appleby 1994, 70). It is interesting to note, however, that while not engaging in militant action, American Christian fundamentalists sometimes imply support for violent actions consistent with their cause. Paul Hill, who murdered a doctor who operated an abortion clinic, found inspiration in the writings of Christian fundamentalists. Likewise, William Pierce’s The Turner Diaries clearly influenced Timothy McVeigh in his decision to bomb the Federal Building in Oklahoma City. Pierce, a white supremacist, situated his racism in a cosmotheism similar to that of the Christian Identity movement (Juergensmeyer 2003, 27-33). Additionally, prominent Christian fundamentalist leaders occasionally voice support for violence, and even contend that God targets perpetrators of evil. Pat Robertson commented that US operatives should eliminate Venezuelan President Chavez. He also opined that Ariel Sharon’s stroke was divine retribution for the Israeli withdrawal from Gaza, that God punished Florida with hurricanes because of Gay Days at Disney World, and that an apocalyptic disaster might strike Dover, Pennsylvania because the citizens voted out of office creationist school board members. Jerry Falwell suggested God permitted the terrorist attacks of September 11th because of America’s immorality. These comments associate violence with divine authority and thereby legitimate the actions. Unlike bin Laden, Falwell does not fight the holy war, but he seems to imply that 9/11 was indeed part of a holy war.

In these contexts it is possible to understand the conceptualization of militant fundamentalism as a form of clerical fascism and to appreciate some of its similarities with neo-Nazism and neo-fascism. The leader of each movement is a charismatic authoritarian who espouses activism and militancy in order to reconstitute the world consistent with the ideology’s values. All the ideologies embrace the necessity of the use of force to achieve a purer, more civilized world and are explicit about the need to
purge the territory of the enemy. Thus reminiscent of the Aryan drive to secure superiority, al-Zawahiri explains of the Muslim,

How can [he] possibly [accept humiliation and inferiority] when he knows that his nation was created to stand at the center of leadership, at the center of hegemony and rule, at the center of ability and sacrifice? How can [he] possibly [accept humiliation and inferiority] when he knows that the [divine] rule is that the entire earth must be subject to the religion of Allah—not to the East, not to the West—to no ideology and to no path except for the path of Allah? (2002)

Yet there is a significant difference between militant fundamentalism as clerical fascism and secular fascism. The secular fascist understands force as a necessary tool to purge the current world of mediocrity, weakness, and opposition. Militant fundamentalists conceive of force as a method to purge sin from the cosmic order, and also to leave this world of sin. Consequently, militant fundamentalists are more inclined to accept the need for suicide missions than are secular fascists. For the militant fundamentalist, both the opposition and the faithful are better dead than living in an earthly world of sin. God’s law is truth, so its defenders cannot compromise.

The Lebanese Islamic fundamentalist group Hizbollah organized in 1982 to gain political and economic status for the Shi’ite plurality after years of exclusion, civil war, and occupation. The organization’s roots were in the Movement of the Deprived (Sachedina 1991, 446). Hizbollah is best known for its violent opposition to the Israeli and Western occupations of Lebanon and its effective use of asymmetrical warfare and suicide attacks to demoralize the Israelis. Hizbollah also maintains an extensive public relations and media network to promote its cause and glorify its martyrs. These tactics possess tremendous emotional effectiveness. Indeed, Hizbollah convinced Hamas of the efficacy of suicide bombings, and helped them refine the recruitment and preparation of martyrs. Hizbollah and Hamas also focus upon the problems of corrupt government and weak economies. The groups provide tangible benefits such as medical care, housing, and schools. The militant fundamentalists’ willingness to undertake a popular cause heightened the relevance of Islam. As Islamic movements, the groups identify the essential problem as one of power misused for materialistic ends. They demonize not only Israel, Jews, and the West, but also secular governments as hypocritical and destructive. These claims resonate well with the oppressed, alienated, and frustrated. The appeal is broad because it is familiar and emotive, and because Hizbollah and Hamas have mastered techniques to deliver their message (Appleby 2000, 25-27, 56-57, 95-101; Legrain 1997). Lasting solutions seem distant, however,
because commitment to Allah and the Quran eliminates the possibility of compromise.

V. THE COMMUNICATION OF THE POLITICS OF HATE

The success of ultranationalist, neo-Nazi, and clerical fascist movements depends upon the communication of hate. It is important to note that some movements are explicit about the need to hate. The late leader of Al Qaeda in Iraq, al-Zarqawi, proclaimed after a beheading, “God honored us and so we harvested their heads and tore up their bodies” (2005). For some fundamentalists, serving God requires hate. Randall Terry, the militant fundamentalist leader of Operation Rescue, said, “I want you to let a wave of hatred wash over you. Yes, hate is good... Our goal is a Christian nation. We have a Biblical duty, we are called by God, to conquer this country” (1993). Decades earlier, Hitler made clear his hatred of the Jews and tried to inspire the Germans to act based upon this hatred. In Mein Kampf he explicitly described his contempt for Jewish people, labeling them “liars,” “usurers,” “parasites,” “menaces,” and “eternal blood suckers.” He wrote:

With satanic joy in his face, the black-haired Jewish youth lurks in wait for the unsuspecting girl whom he defiles with his blood, thus stealing her from her people. With every means he tries to destroy the racial foundations of the people he has set out to subjugate. Just as he himself systematically ruins women and girls, he does not shrink back from pulling down the blood barriers for others, even on a large scale. It was and it is Jews who bring the Negroes into the Rhineland, always with the same secret thought and clear aim of ruining the hated white race by the necessarily resulting bastardization, throwing it down from its cultural and political height, and himself rising to be its master. For a racially pure people which is conscious of its blood can never be enslaved by the Jew. In this world he will forever be master over bastards and bastards alone. And so he tries systematically to lower the racial level by a continuous poisoning of individuals. (Hitler 1926)

It must be recalled that similarly to Hizbollah and Hamas (both of which won recent fair elections), Hitler gained office through constitutional means, with the Nazi Party winning a 44% plurality of votes in the 1932 election. Hitler’s messages and policies resonated with German supporters (Brown 1982), as does Islamic fundamentalism with the followers of Hizbollah and Hamas.

The ability to successfully convey the politics of hate relates to a number of factors including organizational strength, media control, and emotive content. Both the Nazis and fascists excelled at organization, mass mobilization, and communication. They successfully maintained parties,
paramilitaries, youth wings, and media outlets. Groups as diverse as Hizbollah and the Democratic Unionists follow this pattern. Nazi and Fascist parties took advantage of press laws, urbanization, and mass communication to agitate and attract followers. Likewise, Milosevic in Serbia and the Hutu extremists in Rwanda established ultranationalist networks and controlled important media outlets. Serbian media broadcast messages intended to stir popular emotions and mobilize the people to peak anxiety by recalling past mistreatment of the Serbs and intimating that Albanians, Croats, and Bosnians again threatened them. So too, Radio Mille Collines, the ultranationalist Hutu station, carried hate broadcasts that warned that Tutsis planned to attack the Hutus and then called for death to Tutsis and Hutu moderates, even providing the addresses of activists (Power 2002, 330-40).

Emotive content is another critical element in the communication of hate. Both Hitler and Mussolini understood that effective propaganda required an affective character. They employed extremist slogans and emotional speeches. Contemporary groups continue to recognize the mobilizing power of emotional language. Leaders realize it is critical to convince their followers of the necessity of marginalizing, controlling, cleansing, or eliminating other groups. Georges Nzongola-Ntalaja emphasized this point during an NPR interview. Ntalaja rejected the contention that ethnic hatred was tribal or primordial and contended that leaders incited hatred, explaining that

ethnic groups do have prejudices and people do tend to feel they may be different from other groups. But it’s not enough to make a person pick up a knife or a gun and kill somebody else. It is when politicians come and excite passion and try to threaten people—make people believe that they are being threatened by other groups that are going to be extinguished. (Power 1994, 356)

Leaders realize they can motivate people through fear. The Hutu press published the “Ten Commandments of the Hutu” which included, “The Hutu should stop having mercy on the Tutsi” and “His only aim is the supremacy of his ethnic group” (African Rights 1995, 42-43). Milosevic warned the Serbs that Albanians in Kosovo were arming and intended to cleanse the region of Serbs so that Serbs must first act in defense. Leaders also realize that their followers will be less likely to hesitate to act aggressively if the enemy is dehumanized. As Hitler did, it is important to speak of the enemy as deadly animals, as blood-suckers and parasites, or to link the enemy to Satan. Ian Paisley continues to denounce the pope as the Anti-Christ. Al-Zarqawi referred to Shi’a Muslims as “the insurmountable obstacle, the lurking snake, the crafty and malicious scorpion, the spying
enemy, and the penetrating venom” (2004). Hutu leaders and Radio Mille Collines called Tutsis devils and cockroaches. The Hamas media labels Jews “dogs, rats, strangling octopi, pigs, monkeys, dragons, ghouls, Evil Eyes and bug-eyed creatures to be crushed underfoot” (Oliver and Steinberg 1995, 8-9). Religious and political leaders address people at large rallies, speaking with missionary zeal, demonizing the enemy, inciting the crowds, and relying upon the appeal of fundamentalism (Marty and Appleby 1991, 822, 830). Contemporary groups employ Internet sites and satellite television to reach audiences. Al-Zarqawi mastered communication with his tapes of beheadings which he used both to attract supporters and intimidate the enemy. He staged the beheadings complete with costumes and scripts and even provided “previews” during which the victims were warned of the upcoming events.

Myths and legends constitute another powerful tool in the communication of hate. Milosevic retold ancient myths of Serbia’s founding after defeat in Kosovo. He stirred popular sensitivities by recalling histories of Ottoman and Croat mistreatment of Serb populations. While some truth existed in these histories, Milosevic emphasized the Serbian vulnerability and ignored the decades of peace that existed. Milosevic also encouraged the military and para-militaries to engage in torture and ethnic cleansing against non-Serb populations. Not only were the Albanians, Bosnians, and Croats identified as threats to the Serbs, but they also occupied important living space for the Serbs (Denich 1994, 371-72). Northern Ireland’s Democratic Unionists also possess their myths. The legendary bloody hand thrown on shore to claim the territory of Ireland now becomes the namesake for the Red Hand Commandos, a group of Protestant paramilitaries. Unionists annually recall the 1690 Victory at the Battle of the Boyne, a heroic, triumphalist story of conquest intended to swell nationalistic pride and courage. Hutu refugees too assert an ancient claim to land. They tell the story of Burundi, a Hutu, who settled the country a century before Christ. Later, the Tutsis polluted Hutu civilization and stole their homeland. Hutu refugees also frequently recount Tutsi torture techniques, intending to prove the inherent evil of the Tutsis (Malkki 1990, 39-42). Likewise, Ashura, the Shia Islam holy day, marks the martyrdom of Hussein, grandson of the Prophet Mohammad. Hussein’s 680 defeat and beheading by the caliphate in Karbala is the storied single event used to solidify the division between Sunni and Shiite Muslims. Shiite Muslims contend that Hussein tried to stop the perversion of Islam, and his fight and martyrdom exemplify the violent struggles and sacrifices required of followers of Shia Islam (Sachedina 1991, 430-35). Shiite Muslims commemorate the pain and sacrifice with chest-pounding and bloodletting. In recent years Sunni Muslims have responded to the Shiite reenactment of the mar-
tyrdom by reenacting their victory. Violence between Sunni and Shiite Muslims often ensues. In Afghanistan, Pakistan and Iraq, Sunni suicide bombers have attacked Shiite mourners on Ashura.

Symbols and colors also communicate the politics of hate. Symbols often represent a code, well known to the initiated. They hold a visual appeal that complements the spoken word. The Nazi swastika continues to serve as a widely recognized symbol that ignites strong sentiments. Throughout the Basque region red flowers, shutters, and doors affirm the distinctiveness of the people and their commitment to the nation. In Northern Ireland, painted curbstones and lampposts claim territory, while murals justify both the republican and unionist causes and remember those who died fighting for their truth. The significance of certain dates, such as 1690 and 1916, is understood without explanation. Serbian flags decorate the Republik Srpska within Bosnia and Herzegovina. SDS graffiti dots the landscape and vows allegiance to the Serb Democratic Party of indicted war criminals Karadzic and Mladic.

Nationalist and fundamentalist groups also often provide members with uniforms to reinforce the unified identity of the group and the loyalty of the individual. PLO members wear the keffiyeh popularized by Arafat. Suicide bombers wear black military uniforms in their death photos. American white power, Christian Identity, and neo-Nazi websites offer online purchases of an array of t-shirts and accessories. Even mousepads are available. The Aryan Wear Killer Style site sells white power shirts; one carries the slogan, “Try Zyklon B–It’s a Gas” (2005). Their store also carries children’s clothing including Aryan Girls Academy and Happy Hitler Girly tees. The store accepts dollars and euros.

Film, music and art can serve as effective propaganda tools. American and European neo-Nazis and skinheads possess a rich set of music that repeats violent white power slogans. The late William Pierce owned the popular Resistance Records label. Lyrics such as “The March of Death has come to reign hatred on the weak,” and “Kill all the niggers and you gas all the jews, Kill a gypsy and a coloured too” are typical of this music, which attracts a growing following (Anti-Defamation League 2000). Television and the internet provide fast and convenient media for reaching an audience. The growing technological sophistication available to nationalist and fundamentalist groups could bolster their reach in the politics of the twenty-first century. Al Qaeda produced a video of martyrs’ funerals for recruitment purposes. At the extreme, al-Zarqawi’s theatrical introduction and broadcast of beheadings via the internet communicates the power of his movement and the vengeful hate which propels his cause. The broadcast delivers messages to his membership, potential supporters, and the enemy.

Elsewhere, parades, demonstrations, and public funerals rally national-
ist support. Such events are critical because they bring people together and place them in a social context in which their notions of truth, good and evil are endorsed and corroborated. Excellent examples include Milosevic’s use of public gatherings, the marching season in Northern Ireland, and the funerals for suicide bombers in Palestine and Lebanon. In 1989, the Serb leadership staged a massive week-long remembrance of the Ottoman defeat of the Serbs in Kosovo. The Serb Orthodox hierarchy and three hundred priests led a series of memorial services for martyrs. On the final day of the event, crowds chanted in response to Milosevic, “We love you, Slobodan, because you hate the Muslims” (Sells 1996, 69). The Protestant Orange-men marches commemorate their victory over the Catholics in 1690 with loud parades through Catholic neighborhoods. Weeks of practice marches and celebratory bonfires precede the parades. The annual event, coupled with the Unionist slogan “No Surrender,” highlights that the 1690 victory is ongoing. Hizbollah not only stages elaborate public funerals for their dead, but also maintains a museum of martyrs to honor those killed for the cause. This museum, like the Unionist parades, while emotionally gripping, greatly simplifies the reality of the political situation. Additionally, the museum, similar to the memorial murals in Northern Ireland, publicly and permanently commemorates and honors the martyrs. In an atmosphere focused on the sacrifice of the valiant and the evil of the enemy, reconciliation is difficult. Groups continue to nurture hate by demonizing and dehumanizing their enemies. Countering the hate requires political innovation and will.

VI. TEMPERING THE POLITICS OF HATE

Political alternatives and remedies do exist to abort or ameliorate the politics of hate and its violent consequences. Policy-makers and conflict mediators can learn from other cases. An instructive example is that of Macedonia. Although Macedonia witnessed some ultranationalist and ethno-religious tension, it did not experience the genocide and ethnic cleansing which bloodied its neighbors in Croatia, Bosnia, and Kosovo. The Macedonian case is critical because the outcome also highlights the reality that often it is easier to facilitate a compromise before a cycle of retaliation begins. Elite cooperation between moderate representatives of ethnic groups proved significant. Leaders decided to use the media to promote tolerance rather than hate. Additionally, the Macedonians requested a preventive deployment of NATO troops to squelch any planned trouble and contain the violence in Kosovo.

Indeed, outside influence, if the actor is perceived as neutral, can be critical. In Cyprus and Nagorno-Karabakh, American diplomacy and aid at
least contain the conflicts (Cavanaugh 2004). The promise of EU membership serves as a powerful deterrent to nationalist conflicts throughout Europe. The carrot of future economic benefits often bears more fruit than economic sanctions. Consider that the EU successfully encouraged the Baltic states to extend equality to their Russian minorities (Davison 2006). In the case of Turkey, the prize of EU membership contains Islamic fundamentalism and presses a reassessment of the conditions of the Kurds. Crisis situations require not only peacekeepers, but also assistance to develop political, economic, and social infrastructures. Powersharing constitutions, joint development projects, unbiased and integrated schools, a free media, and independent civil society all can contribute to the withering away of extremism. Bosnia and Northern Ireland place emphasis on an integrated police force, while the Mozambique peace settlement focused upon an integrated military. The Office of the High Representative in Bosnia deems as essential the financing of an independent media and school courses on “Culture of Religion” and “Democratization and Human Rights” (Davison and Tesan 2006).

Ignatieff discusses the importance of promoting a culture of civic nationalism rather than ethnic nationalism within heterogeneous societies. Civic nationalism is inclusive, while ethnic nationalism is exclusive. The myth of blood ties is the basis of ethnic nationalism. Acceptance of the principles of rule of law and equality serve as the foundational myth for civic nationalists (1996). Such a suggestion might sound utopian to some political analysts, but in fact the EU has achieved success in advancing the concept of civic nationalism. The provision of individual and group rights is a condition for EU accession. Eight states of Eastern Europe embraced and met this condition in order to join the Union in 2004. In the Baltic states, this required the extension of rights to the Russian minority despite the history of Soviet control (Davison 2006).

Efforts to overcome ethnic and religious tensions must include guarantees of tolerance for diversity. Autonomy or federation arrangements are possible if conflicting groups live in separate regions. Spain seems inclined to avoid further conflict by implementing such autonomy accords. Alternatively, innovations from the Northern Ireland peace process might be applicable elsewhere. Particularly intriguing is the notion that sovereignty can be shared and that people can hold multiple citizenships. A Catholic now can be Irish, British, and European. Ireland, the UK, and the EU each possess different competencies in the North (Gottlieb 1994). Another Good Friday compromise intended to foster cooperation in Northern Ireland is the d’Hondt mechanism. The mechanism creates power-sharing arrangements in the legislature, cabinet, and ministries. The Dayton Accords also include the d’Hondt mechanism as a means to ensure that decisions are com-
promises between the ethnic groups in Bosnia and Herzegovina. While this does impede policy-making efficiency, it seems preferable to nationalistic dictatorships or bloody conflict. As Zartman points out, a durable solution demands that minorities be treated equitably and not condemned to powerlessness or lower class status (Zartman 1998, 317-36, 327-28). Additionally if the subsidiarity principle is coupled with power-sharing then many decisions will devolve to local governments and thereby balance central government immobilism (Zartman 1998, 328).

The globalization of non-violent civil disobedience offers a legitimate alternative to oppressed groups (Nassar 2005, 64-65; Appleby 2000, 128-31). People power movements increasingly challenge both oppressive governments and violent extremist alternatives. Peaceful demonstrations forced regime changes in a wide variety of states during the past two decades, including the Philippines, Ukraine, Czech Republic, Bolivia, and Serbia. These social movements rely upon epistemic communities, transnational rights groups and modern communication technologies to bolster their cause.

Tempering the hate message of fundamentalists is more difficult than tempering the message of nationalists because fundamentalists believe they cannot compromise divine truth and authority. Consequently, efforts to counter the fundamentalist’s politics of hate should target the underlying conditions which make clerical fascism attractive and powerful. Certainly these conditions include oppression, insecurity, and unemployment. Gurr identifies state repression and discrimination against ethnic and religious minorities as a fundamental source of conflict. He demonstrates that when states implement individual and group rights, the likelihood of differences spiraling to conflict declines substantially (Gurr 2000; Harff and Gurr 2004). In these cases, the state’s commitment to justice and equality counters the claims of the extremists.

Messages of hate require financing. Broadcasts, videos, and demonstrations cost money. Therefore, it is desirable to attempt to cut the financial sources and freeze the bank accounts of violent fundamentalist groups. The seizure of the assets of Richard Butler and the Aryan Nations compound significantly weakened the organization. Intelligence suggests that the freeze on various bank accounts critically impedes Al Qaeda’s ability to finance other militant groups.

Another strategy is to criminalize hate speech and hate organizations. Many states pursue this path. In Bosnia and Herzegovina, the Office of the High Representative quickly removes offending politicians from office. Additionally, the Central Election Committee is empowered to terminate the candidacy of any politician who uses the language of hate. Likewise, Israel outlawed the far right Jewish fundamentalist Kahanists. The Israeli
Security Service deems the Kahanists responsible for the assassination of Rabin and the massacre at the Hebron Mosque. Yet criminalizing this organization did not stop it, and may only seem to verify the group’s claims that the Arab presence encroaches upon Jewish culture and tradition. Further, the recent uncovering of a Kahanist plot to blow up a Palestinian girls’ school suggests the ongoing strength of the organization. Criminalization might backfire and lend credence to the heroic claims of extremist groups (Frontline 2005).

Of course, the problem of militant Islamic fundamentalism seems particularly challenging. Yet Turkey, Bangladesh, and Indonesia offer models of democracy for Muslim polities. The Muslim leadership of Bosnia and Herzegovina rejected extremism even in the wake of the war. Recently, the Bosniak electorate voted for a moderate President and the government deported immigrants tied to militant organizations. The Pew report Views of a Changing World 2003 also provides cause for hope. The study highlighted that many Muslims in the Middle East share Western values of freedom of speech and the press, equality, and democracy, but react with hostility toward American foreign policy in the region. Additionally, the Pew 2005 report showed that people in Jordan, Lebanon, and Indonesia responded positively to American efforts to support democracy. Clearly, there is not a monolithic Islamic world. Militant fundamentalism vies with liberal and conservative Islamist organizations. Muslim societies have difficult and significant political, economic, and religious issues to address, but change is not impossible. One option is to support “political arenas in which Islamists are able to participate but also are constrained by the need to compete with secular political parties, compelling them to moderate their positions to maintain their popularity” (Barsalou 2005, 11).

Indeed, moderates within various religious traditions should be supported. Moderate Muslims, Hindus, Jews, and Christians exist, but precisely because they are moderate they often do not view political participation as appropriate or salient. Nevertheless, broad-based participation must be encouraged, particularly in regions where religion is politicized, so that extremists cannot seize the agenda (Appleby 2000). In Sarajevo, the Franciscan Community has reached out to the population with ecumenical events. Corrymeela in Northern Ireland offers another example of religious actors advocating understanding and non-violence. Leadership of non-partisan truth commissions, such as by Bishop Tutu in South Africa and Bishop Gerardi in Guatemala, conveys and validates the alternative religious message of reconciliation and peace.

The communication of hate, particularly such that massive and systematic violence is incited, ought to be intolerable to leaders committed to equality and rights. Gurr notes that typically states seek to control discrimi-
nation and tension. National interest drives most leaders to prefer to maintain a calm political climate attractive to economic growth (2000, 275-81). When a state’s leaders, however, mobilize a people to attack or cleanse “enemies,” “sinners,” or “apostates,” then an external response becomes necessary. The problem is especially serious when a government rather than an independent religious or nationalist group perpetrates the hate. Governments provide security and therefore hold a monopoly on force. When a state discriminates against a group within its borders, the government typically possesses the military and police power to eliminate the group. Not only does the group despair about its situation, but it becomes likely that some members of the oppressed group will attempt to organize a military response. Yet many people will be caught between sides in the conflict. Often they find themselves in the middle in both a political and a physical sense.

In the last two decades, the United Nations developed criteria for humanitarian intervention (Harff and Gurr 2004, 170-80). When domestic efforts to avert or control the politics of hate fail, such that these politics produce extreme outcomes of genocide or ethnic cleansing, then global leaders possess legal and legitimate bases to respond (Hehir 2004, 25-26). Ignoring human suffering produced by the politics of hate is a form of apathy upon which extremist leaders depend. Each failure to respond emboldens other extremist leaders. The leaders of extremist groups gamble on the failure of political will by their democratic national and international counterparts. Global inaction implies acceptance of the extremist “truths” that ethno-religious identity matters, that the lives of some national and religious groups are worth more than the lives of others, and that violence is permissible to advance the cause. Yet the violence is neither tribal nor inevitable. Gurr, Zartman, Ignatieff, and Appleby offer solutions and identify cases in which leadership and political action averted bloody extremist conflict. The knowledge and tools do exist to contain the violent outcomes of the politics of hate. Ultimately, the challenge is one of political innovation and will at both the state and global levels.

Acknowledgements

Research specifically on Bosnia and Herzegovina supported by a Jack R. Critchfield Grant, 2006-2007. Research on Northern Ireland initially supported by an Ashforth Research Grant, 2000-2001 and facilitated by work at University of Ulster, Coleraine. Research on genocides in Nazi Germany, Yugoslavia and Rwanda initially supported by The Jesse Ball DuPont Fund and facilitated by work at the National Humanities Center,

REFERENCES


gard.net/library/congress_05/first_responders/terrorism_bc.ppt.


Schopflin, G. Nationalism and ethnic minorities in post-communist Europe. In


Homophobic Hate Propaganda in Canada

Dr. Ellen Faulkner
efaulkner@brocku.ca

I. INTRODUCTION

While the typical hate crime is perceived to be of a violent nature perpetrated by individuals connected to Nazi and neo-Nazi groups and white supremacists, a more insidious form of hatred exists in the form of hate propaganda (Kinsella 1994; Martin 1995; Sher 1983; Sunahara 1981; Abella and Trooper 1982; Barrett 1987; Betcherman 1975; Bolaria and Li 1985; Frideres 1976). In Canada “hate messages take a variety of forms including flaming crosses, heckling at memorial services, music, and desecration of synagogues, mosques, or temples” (Commission for Racial Equality 1999, quoted in Kazarian 1998, 204). “In the winter of 1992, a lone protestor at an Ontario university disrupted a Kristallnacht (night of broken glass) ceremony in memory of the 1938 attack by Nazi soldiers on Jewish homes and businesses” (Gillis 1993, quoted in Kazarian 1998, 204). And “on a May 1993 weekend in London, Ontario, 40 members of the Ku Klux Klan—men, women, and children wearing white robes and conical hats—attended a cross-burning ceremony to celebrate the white race on a private property” (Swainson and Small 1993, quoted in Kazarian 1998, 204). In 1994, a skinhead in Toronto was sentenced to four years in prison for beating a Tamil immigrant into paralysis. Just before the attack, the man had attended a racist rock concert where he was inspired by such lyrics as “These boots are made for stompin’ . . . One of these days these boots are going to stomp all over Jews,” and “Let’s go coon huntin’ tonight” (Prutschi 1994, 5). Ernst Zundel, a Toronto publisher, has spread the message throughout Canada and many parts of the world that the Holocaust is one huge politico-financial swindle engineered by the Jews to extract money for themselves and Israel. In 2005 Canada deported Zundel to Germany, where he faced charges of incitement of hatred based on his denial of the Holocaust. In 2007 Zundel was convicted of 14 counts of incitement of racial hatred and sentenced to five years in prison for denying the Holocaust (CBC 2007). Prutschi reports that James Keegstra, a former teacher at a high school in the small rural community of Eckville, Alberta, for close to fourteen years, taught his social studies classes that the Talmud was a blueprint for evil and that the Jews were at the root of most world calamities and upheavals. Malcolm Ross of Moncton, New Brunswick, also a teacher, has written a number of books and pamphlets warning against a world Jewish conspiracy to undermine Western Christian civilization and
disputing established accounts of the Holocaust. John Ross Taylor, a Nazi since the 1930s, has operated a dial-a-racist telephone message service in Toronto. Also in Toronto Donald Andrews, through his publication *The Nationalist Report*, has pursued an antisemitic and white supremacist agenda (Prutschi 1990, 37-39). Kazarian (1998, 204) notes that “hate messages and literature, and revisionism of historical realities are also communicated through the use of computers, fax machines, telephone hotlines, and the Internet (Gillis, 1993; Kazarian, 1997; Bailey, 1998; Sun Media Newspapers, 1998).”

Racism and hate propaganda have long been a part of the Canadian experience, beginning with attitudes toward First Nations persons in the colonial period and the resulting “campaign of de-humanization, de-tribalization and marginalization” (Mock 1996, 1) to “the poor treatment of the Chinese in British Columbia at the turn of the century” (Goldschmid 2000, 55). Rosen (2000) reports that in the 1960s, the distribution of hate propaganda, mainly anti-Jewish and anti-black, was widespread in Canada, especially in Ontario and Quebec. As a result, the Cohen Committee put together the 1965 report which formed the basis of the 1970 amendments to the Criminal Code (318-320) adapted by the Parliament of Canada (Rosen 2000). “Another wave of hate propaganda came in the mid 1970s and 80s. This wave brought successful prosecutions against Jim Keegstra, Donald Andrews and Robert Smith. A 1982 Gallup poll indicated that 31 percent of Canadians would support organizations that worked toward preserving Canada for whites only” (Jeffrey 1998, 3, Anand 1998, 215, quoted in Cohen 2000, 71). Cohen thinks that “North America is undergoing a ‘third wave’ of hate propaganda, the first having been the rise of anti-Jewish and anti-Black hate propaganda in the 1960s, and the second the expansion and prosecution of those efforts in the 1970s and 1980s” (quoted in Rosen 1996, 1-4). “The Third wave is characterized by the dissemination of cyberhate, the expansion of target groups, and the corresponding rise in hate crimes directed at women and members of minority groups” (Cohen 2000, 71).

II. THEORIZING ANTI-QUEER HATE PROPAGANDA IN THE CANADIAN CONTEXT

What gives people the idea that it may be “open season on homosexuals in Canada”? And, where does this “protection from gratuitous violence” begin? What is and is not discourse that supports homophobic attitudes? How much of it actually exists? Is law an appropriate venue through which to challenge such discourse? Is it successful or effective? Is education such a venue? What are the controversies around this debate? Are the discourses of violence reproduced by hate-mongers taken seriously by the general pub-
lic? If not, why should we be concerned? There are the libertarian categories supporting freedom of expression and individual rights and they often conflict and contrast with egalitarian rights and community standards.

I ask these questions without necessarily getting answers. Through *prima facie* examples drawn from regional, national, and international mainstream and alternative media, what is revealed, however, are patterns of hate propaganda which raise questions about the potential effect of this propaganda. It is true that queers find ways to resist offensive discourse. But that should not prevent the development of a needed awareness of what patterns are evident in the discourses and how the language used against us intersects with racist, sexist, and antisemitic discourses. These links reveal that the hatred that is produced may be an attempt to control groups of people whose difference signals an opposition to the maintenance of heterosexist realities.

Debates about the necessity of providing protections against hate-mongering are informed by two contrasting interpretations of rights—libertarian and egalitarian (Hemmer 1995, 307-17). The extant research on hate propaganda in North America is informed by these two theoretical frameworks, which therefore influence the analysis of data.

Within the liberal consensus model a tension exists between those who argue for the right to freedom of hate speech and expression and those who argue for the rights of groups to be protected from speech that promotes hatred. In every Canadian case thus far in which prosecution was brought under section 319(2) for the willful promotion of hatred, the defense has argued that it violated the accused’s right to freedom of speech. While some argue that freedom of speech is the necessary condition of all other freedoms (Berger 1981), others argue that there is no truly free marketplace of ideas when all individuals do not have equal access to forums of speech (Eid 1994). Others suggest that freedom to propagate hate is not so much a freedom as it is a socially destructive ideology (Dias 1987). Still others argue that hate speech restricts the speech of the target (Shefman 1994; McKenna 1994). Karen Mock (1995) points out that hate speech in Canada often finds its way into rather sophisticated venues under the guise of freedom of speech. The problem under the liberal consensus model is to criminalize hate speech without limiting freedom of speech. In contrast to the liberal consensus model, conflict theorists argue that hate crime law does not develop out of a broad-based normative consensus over competing ideas and interests, but rather develops out of the competition of groups at the level of norms as well as at the level of individual interests, power, and resources (Suriya 1998, 66). Often, critical race theorists, feminists, libertarians, African Americans, Jews, gays and lesbians struggle to define their
place within the hate crime discourse and find themselves excluded from legislative protections (Matsuda 1993a).

Drawing on the work of critical race theorists (Matsuda, Lawrence, Delgado, and Crenshaw 1993, 6), I begin with the presumption that heterosexism is endemic to life in Canadian society. This paper utilizes the approach used by critical race theorists Charles L. Lawrence III, Mari J. Matsuda, Richard Delgado, and Kimberle Williams Crenshaw (1993) to explicate hate propaganda representation in the Canadian context. In extending critical race theory to analysis of hate propaganda directed toward Canadian queers, this paper seeks to include an analysis of homophobia and heterosexism in its analysis of hate propaganda. Extension of Matsuda et al.’s model includes the following presumptions: Heterosexism and homophobia are endemic to Canadian life; queers should develop a skepticism toward “dominant legal claims of neutrality” (Matsuda et al., 6); a “rejection of ahistoricism and the insistence of a contextual/historical analysis of the law” (Matsuda et al. 6); a recognition of the experiential knowledge of queer persons and their communities of origin; and, borrowing from a number of interdisciplinary traditions, the use of theory and methodology to allow use of voice and advancement of the political cause of sexual minority justice; and finally, the utilization of social justice initiatives that work toward the elimination of queer oppression with the goal of obtaining mutual social transformation (Matsuda et al., 6-7). Critical sexual minority theory works toward the end of eliminating queer oppression with the “goal of ending all forms of oppression” (Matsuda et al., 6-7). This approach acknowledges and investigates intersecting forms of subordination, multiple consciousness, and multiple political practices, examining the various ways in which queer persons experience subordination (Matsuda et al., 7). Likewise, this approach takes into consideration the deconstruction of theories which do not take the existence and experience of queer persons into account. This methodology has informed research to date on violence in lesbian relationships and anti-gay/lesbian violence (Ristock 2002; Faulkner 1998).

Critical race theorists such as Matsuda, Lawrence, Delgado, and Crenshaw (1993) support egalitarian views that target assaultive speech. Their method of researching harm is to examine incidents, legal cases, and the impact of hate speech on communities. Their aim is to build theory through reflection on action. First amendment revisionists typically come from victimized communities such as persons of color, women, lesbians, and gays, who are disproportionately among those who support the sanctioning of hate speech, and these researchers note that the Jewish community is sharply divided on this issue (Matsuda et al. 1993, 2). Beginning from the subjective, critical race theorists create new forms of scholarship by using
personal histories, parables, chronicles, dreams, stories, poetry, fiction, and revisionist histories to convey their message (Matsuda et al. 1993, 5).

In advocating the use of law to sanction hate speech, I agree with egalitarians that curbs on hate speech are necessary to protect minority groups from the harmful effects of hate speech (Matsuda, Lawrence, Delgado, and Crenshaw 1993; Verrerling-Braggin 1981). However, recognition under law does not mean that queers no longer need to engage in social action for social change. Egalitarians raise the question of whether there are “reasonable limits” on freedom of expression and suggest that “insofar as hate propaganda has no redeeming social value and is inherently harmful to both target groups and the social order, restrictions on freedom of expression explicitly designed to curb hate-mongering represent ‘reasonable limits’” (Kallen 1984, 4). Guided by the liberationist pedagogy of Paulo Freire (1984), they argue that liberationist teaching contains two dimensions: “Reflection and action, in such radical interaction that if one is sacrificed—even in part—the other immediately suffers” (Matsuda et al. 1993, 11). In order to conduct research guided by this critical pedagogy, they seek to inform their understanding and analysis by critical reflection on political action.

In order to conduct an exploratory analysis of the extant hate propaganda directed toward queer persons in Canada, I provide: an overview of the existing legal sanctions, documentation of prima facie evidence of hate propaganda directed toward queers, discussion of the effects of such violent discourse and recommendations for future research in this understudied area.

III. METHODOLOGY

The research for this paper began as a project for the Department of Justice (Canada) in which I was asked to explore evidence of materials that would constitute hate propaganda under sections 318 or 319 of the Criminal Code, against groups not covered by the definition of identifiable group (Faulkner 2001). The expanded groups were sex, age, mental or physical disability, and sexual orientation. Four approaches were taken: a review of literature, a review of case law and legislation, interviews conducted with non-governmental organizations, and analysis of hate propaganda in print media and on the Internet.

In order to compile prima facie evidence of hate propaganda against lesbians, gay men, and bisexuals, I gathered data from regional, national, and international media sources; social science and legal literature; an exploration of case law; interviews with non-governmental organizations; and a search of Canadian Internet sites. The aim of the search was to deter-
mine if there is *prima facie* evidence of hate propaganda against these groups. Data was obtained from the Coalition for Lesbian and Gay Rights Ontario (CLGRO 1992-2004), Equality for Gays and Lesbians Everywhere (EGAILE 2001; 2003), the Lesbian and Gay Issues and Rights Committee of the Canadian Bar Association (1995), The Hate Sub-Group (Multiculturalism) (Hess 1996), and a review of Canadian Internet sites such as Freedom-Site, Canadian World Domination, Canadian First Immigration Reform Committee, Heritage Alliance, Heritage Front, Canadian Association for Freedom of Expression (CAFÉ), Citizens for Foreign Aid Reform, Canadian Patriots Network (CPN), Heritage Front, Aryan Nations, and Church of the Creator.

The research methodology I employed for this paper involved building on Hess’s themes as a means to guide my own exploratory analysis of patterns of hateful speech emerging from Canadian mainstream and alternative print media as well as public political parliamentary debates and on Canadian Internet sites. A large amount of my data was obtained from news clippings from 1992-2004 archived at the Coalition of Lesbian and Gay Rights Ontario, Canada (CLGRO).

Of course there are limitations to this data. CLGRO collects their news clippings through review of regional, national and international alternative and mainstream presses as well as Canadian parliamentary debates and the Hansard. Criteria for inclusion in my analysis of *prima facie* evidence of hate propaganda is documentation of sexual minority discrimination and oppression in the regional, national and international context. Given the focus on sexual orientation discrimination, CLGRO’s choice of media outlets may be selective. Alternative presses usually document politically oriented news not considered newsworthy in the mainstream press. It is therefore inevitable that the media sources surveyed are likely skewed, which is a limitation of this study’s data source. The investigative lens through which CLGRO collects news items may be skewed in the direction of gay, lesbian and bisexual experiences of hate propaganda rather than that of trans-identified persons. As well, intersections of class, race, gender and sexual orientation are not explored in the documentation of hate propaganda. The focus on Canadian media leaves out an analysis of international trends. More research is needed on the sexualization of queers in mass media. Given the exploratory nature of this investigation of the *prima facie* existence of hate propaganda directed toward sexual minorities in the Canadian context, the next step is to undertake a more rigorous examination of mass media and its impact on attitudes and behavior using “cultivation theory.” For example, Gerbner, Gross, and Melody (1975) conduct content analysis of mass media to assess the cumulative impact of negative attitudes on behavior.
IV. CURRENT LEGAL SANCTIONS

The 1966 Report of the Special Committee on Hate Propaganda in Canada (the Cohen Report) claimed, “However small the actors may be in number, the individuals and groups promoting hate in Canada constitute ‘clear and present danger’ to the functioning of a democratic society” (Canada 1966, 24; Cohen 2000, 80-81; Suriya 1998).

Despite this 1966 statement, Canadians remain unclear as to what actually constitutes hate and hate propaganda. Numerous reports have proposed that groups protected under Canada’s Charter should be protected under Canada’s Criminal Code. However, up until 2003, “identifiable groups” were distinguished only by color, race, religion, or ethnic origin. The House of Commons voted in favor of a private member’s bill (C-250) to extend hate crime protections to gays and lesbians in 2003 (CBC 2003). Unresolved is the issue of whether the list of identifiable groups should be further expanded, whether the mens rea requirement should be removed from sections 318 and 319, and whether the consent of the Attorney General should remain as a prerequisite for prosecution of the Code under the hate propaganda provisions (Cohen 2000, 80-81). Equally problematic is the complex application of laws on freedom of expression, defamation, obscenity, and group defamation. Experts therefore claim that “the law is random and confusing” (Martin 1995, 212).

Hate crime as currently defined in Canada was added to the Criminal Code in 1970 for the first time through Bill C-3, creating specific criminal offenses of “advocating genocide,” “public incitement of hatred,” and “wilful promotion of hatred” (Kaplan, and McRae 1993, 243-44). Additional provisions were added to the Criminal Code in 1995 through Bill C-41 (House of Commons, Canada 1995). Unlike Bill C-3, Bill C-41 did not create any new crime offenses. Bill C-41 prescribed that longer sentences be imposed by the courts if “bias, prejudice or hate” were elements of or motivating factors for a crime. Bill C-41 dealt with aggravating or mitigating circumstances relating to a crime or a criminal upon sentencing, if “bias, prejudice or hate” were found in the commission of crime. These provisions remain unchanged in the current Criminal Code (Canadian Human Rights Reporter 1998). In short, hate crime offense provisions introduced through these two bills constitute the current Criminal Code position.

Seeking redress through Canada’s Human Rights Commission has been more successful. The Canadian Human Rights Act provides protection against the publication of discriminatory notices and the communication of hate messages telephonically and over the Internet. “Sexual orientation” was added as a protected category to the Canadian Human Rights Act in 1996.
Of great interest to gay and lesbian political advocates was the inclusion of “sexual orientation” as a protected category in Bill C-41. However, while sentences may be enhanced in cases in which it is proven that a crime was committed based on prejudicial views about gay and lesbian persons, no such sentence enhancement has been used in a case of anti-gay or lesbian crime since the passage of Bill C-41 in 1995. Now Canada has taken measures to protect gays and lesbians from hateful propaganda, but is law a panacea? Since Bill C-3 provisions became a part of the Canadian Criminal Code almost three decades ago, there have been only three cases with successful convictions out of a total of five prosecutions (Anand 1997, 224; Suriya 1998, 51). Events of the last decade involving the debates over same-sex marriage and granting of protections for gays and lesbians within the Canadian Human Rights Act and the Criminal Code exemplify tensions over how Canadians define who exactly is hurt by hate propaganda, how and where to regulate it, and in whose bests interests it is to do so.

VI. INTERNATIONAL AND COMPARATIVE CONTEXT

International research points to the fact that queers are either ignored or reviled in the media (Tatchell 1997; Sanderson 1995; Otton 2001; Bennett 1998; Faulkner 2001). Even though incitement to hatred is currently banned in Ireland, Denmark, and Norway (Tatchell 1997), and Canada has included “sexual orientation” as a protected category under the current Criminal Code provisions (EGALE 2003), Tatchell notes that queers “are alternately stereotyped, invisibilised, scapegoated, misrepresented and demonized” (1997, 1). Given the alarming mistreatment of gay issues and people by wide sections of the media (Sanderson 1995), it is no wonder that there is still a wide perception, similar to the one concerning female victims of sexual assault, that gays and lesbians somehow invite violence and harassment. For example, in her examination of the perpetuation of prejudice in reporting on gays and lesbians in Newsweek and Time during a period of 50 years (from 1947 to 1997), Bennett found that the ongoing themes that evolve were: (a) the reporting of unsupported negative allegations, (b) the quoting of contemptuous labels, and (c) the assumption that gays and lesbians are inherently inferior to heterosexuals, or in themselves “bad” (Bennett 1998). Ingrid Hess (1996) found similar themes in her analysis of Canadian and American media materials. These include the promotion of views about the depravity of homosexuals; the belief that gays spread disease and sickness and the promotion of AIDS as a homosexual disease; the view that queers are dangerous and pose a security risk; the view that gay and lesbian persons are highly sexed and sexually deviant; and finally, the suggestion is made that gay and lesbian persons conspire to destroy social institutions
such as the family and thus destroy society as a whole. In a recent Canadian Jewish Congress (2000) report on hate on the Internet in Canada, Robert Goldschmid reports that some of the vilest sites on the Internet are directed against gays and lesbians. Goldschmid found that gays and lesbians are also a prime target of hate crimes.

VI. PATTERNS OF HATEFUL SPEECH

In Canada, hate propaganda promoted against queers is promoted through language, pamphlets, leaflets, and radio. As a project for the Alberta Justice Appeals and Criminal Law Policy Department, Ingrid Hess (1996) reviewed materials from Canadian and American documents to determine whether, upon receipt of a complaint respecting homophobic material, a charge and prosecution could be justified (Hess 1996, 1). Upon analysis of the materials, Hess found several recurring themes in the anti-homosexual materials she reviewed for her project (Hess 1996, 12. See Appendix 1). These included the promotion of views about (1) the depravity of homosexuals; (2) disease and sickness spread by homosexuals; (3) AIDS as a homosexual disease and due punishment; (4) homosexuality undermining society’s institutions and very existence; (5) dangers associated with homosexuality; and (6) conspiracy of homosexuals (Hess 1996, 5). In the following section I rely on the themes Hess found to guide my own analysis of hate communication.

In her analysis of the Canadian and American materials, Hess noted that the words and descriptions in the publications are generally of an extreme nature:

Homosexuals are described as: unsanitary, insane, abnormal, wild, predatory, filthy, sickening, antisocial, disturbed, defective, perverted, self-destructive, unfortunate, foolish, irresponsible, pathological, evil, robbers, cheats, defrauders, criminal, personally and socially worthless, superfluous, ruthless, veneful, expletive, dangerous, murderous, molesters, serial killers, victimizers of young children, communists, fascists, revolutionaries, debased, militant, violent, conspirators, liars, hateful, thugs, Hitlerian, brown shirts, terrorists, evil, sterile and anti-life (Hess 1996, 9).

Hess found that the messages reviewed “bear a striking resemblance to hate propaganda directed against groups such as Blacks and Jews” (Hess 1996, 9). Homosexual behaviors are described negatively. “Homosexual behaviors are described as: antibiological, offensive, anatomically aberrant, biologically vile, biologic horror, biology went berserk, and biological insanity” (Hess 1996, 9). Homosexuals are characterized as posing a grave
danger to society, and these types of messages evoke “emotions of an intense and extreme nature that is closely associated with vilifications and detestation as found in Keegstra” (Hess 1996, 10). For example,

Their mere presence is said to put people at risk of contracting deadly diseases. The authors advocate quarantining homosexuals, discriminating against them in order to keep them out of mainstream society, and maintaining them in their “well deserved position of outcast and anathema that they have traditionally occupied” (The Pro-Life Activists Encyclopedia). Homosexuals are associated with the most despicable criminal activity imaginable (Hess 1996, 10).

While the bulk of the material Hess reviewed contained comments likely to engender hatred, she notes that not all of it could be characterized as hate propaganda (Hess 1996, 9). Hess points out that, under our present Criminal Code prohibitions, “it is doubtful that the authors could avail themselves of the defenses under s. 319(3) of the Code” (Hess 1996, 10). First, given the defenses under s. 319(3) of the Code, the authors would need to establish the truthfulness of the statements on a balance of probabilities. Hess found the statistics quoted to be questionable and the comments made in the articles to be vast generalizations which could never be proven (Hess 1996, 10). Second, Hess suggests that the other defenses in s. 319(3),—good faith, religious argument, discussion for public benefit, and statements to remove hate—would be difficult to use, as “most of the materials do not appear to be of the type that would support these defenses” (Hess 1996, 10). The defense of good faith religious argument would be available in those cases in which it is argued that someone should not engage in homosexual activity because it is sinful, or is discouraged for living a homosexual lifestyle. However, Hess claims, “most of the arguments presented in the materials are not couched in religious rhetoric” (Hess 1996, 10). Hess concludes: “The materials in large part constitute hateful propaganda that would be prosecutable under s. 319(2) if the term ‘identifiable group’ in s. 318(4) of the Code were expanded to include groups identified by sexual orientation” (Hess 1996, 10). Despite a certain amount of organized resistance to the inclusion of sexual orientation under the Criminal Code, largely organized by right-wing fundamentalist groups, the Canadian government expanded the category of protected groups to include sexual orientation. The following themes evolved from Hess’s research and are compared with news clippings collected by CLGRO (CLGRO 1992-2004).6

VII. DEPREVITY

In some of the Canadian documents I reviewed, the suggestion is made
that gay men are pedophiles, have sexual preferences for young boys, and that gay and lesbian persons “recruit” young persons. The intimation is made that gay men and lesbians are child abusers who should not be allowed near young people. An extension of this argument is that homosexuality should be criminalized. It is suggested that gay persons have public sex, have vast sexual appetites, and turn to young boys to satisfy themselves (CLGRO 1994, 37). A link is made between sexual predators such as Dahmer, Bernardo, and Olsen and gay persons (CLGRO 1996, 5). A radio show which aired in Canada called lesbians, gays, and bisexuals “deviant” and linked gay men to child-molesting (CLGRO 2000, 4). A Winnipeg radio station called a lesbian a “diesel dyke” and “homo-fascist” and implied that she wished to sexually abuse children (CLGRO 2000, 7). The same station was reprimanded for its comments about Winnipeg’s “out” gay mayor (CLGRO 2000, 4). In 1995, an MP stated that extending human rights to lesbians and gays would be akin to granting protection to “bestialists, pedophiles and necrophiles” (CLGRO 1995, 11). In his defense of a Liberty Net hotline message promoting the execution of homosexual child abusers, Tony McAleer stated that it is “ok to hate pedophiles and that gays would be best dealt with by drowning them in bogs” (CLGRO 1994, 2). In 1994, in response to the Vriend decision, an Albertan minister said gay rights would give license to pedophilia (CLGRO 1994, 12-13). In 1993, a law enforcement magazine refused to run a gay police advertisement, stating that it would promote a “deviant lifestyle” (CLGRO 1993, 10). In 2003 Canadian Alliance leader Stephen Harper fired party family critic Larry Spencer for writing in the Vancouver Sun that gay activists are embarked on a “well orchestrated” campaign to “convert” young boys in playgrounds and locker rooms and to “deliberately infiltrate the North America’s judiciary, schools, religious community and the entertainment industry.” Spencer further claimed that homosexuality should be put back in the Criminal Code, and that gays should be imprisoned. Spencer also made allusions to the lower life expectancy of gays to justify making homosexuality illegal (CLGRO 2003, 177). The same month, Liberal David Kilgour, secretary of state for Asia-Pacific, a federal cabinet minister, told the Edmonton Journal that legalizing same-sex marriage would put Canada on a legislative “slippery slope” that could result in “mothers marrying sons and all kinds of things” (CLGRO 2003, 178).

One glaring example of the depravity theme is found in a fax sent to Ottawa city councillors in December 1994, protesting against a public lecture to be given by Councillor Alex Munter at Octopus Books on Bank Street. The fax, which was titled “10 Reasons Why Alex Munter Must Resign,” claimed, among others things, that “the median age for homosexuals is below 42”; “they are 15x more likely to commit murder,” “33-55%
(1/3-1/2) of all reported sexual abuse of children is perpetuated by this 3% of the population”; “90% of sodomite men and 65% of women practice oral/anal sexual activity”; and “the typical homo claimed over 500 sexual partners” (CLGRO 1994, 32, 42).15

VIII. HOMOSEXUALITY IS A SICKNESS OR DISEASE

Another theme that arises in the review of homophobic material is the argument that gays and lesbians choose their “lifestyle” and therefore can be changed (Hess 1996, 6). Some are believed to be suffering from a mental illness (CLGRO 1997, 12)16 and therefore are assumed to require intervention or treatment. Under the first theme, which focuses on the immutability argument, homosexuals are considered to have chosen to have been misguided into their lifestyle. The proponents of this perspective therefore argue that it is possible for them to recover from their problem and lead “normal” lives (Hess 1996, 6). On the other hand, homosexuality is perceived to be a result of mental illness; however, Hess notes, the “tone of the passages goes far beyond a desire to help and put the person on the right path” (Hess 1996, 6). “There is a strong tone of condemnation and traits are attributed to those who suffer from the ‘malady’ which are extremely negative” (Hess 1996, 6).

This theme is found in the Canadian documents I reviewed which suggest that gays and lesbians do not contribute to society because they do not procreate, that they promote moral corruption and degradation, and can and should change their sexuality from gay to straight (CLGRO 2000, 8).17 Others suggest homosexuality is unnatural, unhealthy, and against God’s will (CLGRO 2000, 16; CLGRO 1999, 16).18 A Toronto Transit worker refused to distribute transfers promoting gay and lesbian services because it is a “health issue” (CLGRO 1999, 19).19 In 1999, an Alberta MP stated that lesbian and gay relationships are “technically incomplete” and that marriage provides a healthy biological design for procreation. This MP also stated that children raised in same-sex relationships are “gender-deprived” (CLGRO 1999, 19-20).20 In 1996, it was suggested that gays should seek a cure and that they are a threat to Canada’s youth (CLGRO 1996, 13).21 In 1995, a Reform MP argued that AIDS victims get the disease through choice, promiscuity, and immorality (CLGRO 1995, 16).22 A University of Ottawa professor called bisexuals “psychopaths” and feminists “irrational man-haters” (CLGRO 1994, 6).23 In 1994, a handout was distributed at a conference stating that homosexuals should not be given any more rights than sex offenders, rapists, or child molesters (CLGRO 1994, 24).24 In 1993, the Reverend Ken Campbell’s Metro Renaissance Church distributed a flyer outlining the “deviant” nature of gay sexuality (CLGRO 1993, 21).25
IX. UNDERMINES SOCIETY’S INSTITUTIONS AND VERY EXISTENCE

Many of the publications Hess reviewed maintained that gay men and lesbian women do not contribute to the fabric of society. Gays and lesbians are also portrayed as harboring a distinct lack of respect for society (Hess 1996, 7). Sexual minorities are said to be selfish, to focus on their own personal pleasure and gratification, and to show little commitment to society as a whole. As a result, it is suggested, gays and lesbians are more likely to engage in anti-social and criminal behavior. Another sub-theme Hess found was that gays and lesbians are extremely dishonest people. For example, the authors of the documents Hess reviewed “allege greater propensities amongst homosexuals to cheat, shoplift, and defraud” (Hess 1996, 7). Hess notes that the fear is that this trend will ultimately lead to the destruction of society through the continual undermining of social institutions (Hess 1996, 7). This pattern was also evident in the CLGRO news clippings analyzed for this paper.

In Canada, it has been suggested that homosexuals brainwash the rest of society, in particular the youth (CLGRO 2000, 13). It is further suggested that lesbian and gay relationships do not contribute anything to society (CLGRO 2000, 13). In response to a 1994 case challenging Canada’s Old Age Security Act, a coalition opposed to extending rights to same-sex couples asserted that “society would be more prepared to eat excrement than it is prepared to accept homosexual relationships” (CLGRO 1994, 34). In opposition to the election of Alex Munter to Ottawa’s regional council, a flyer was distributed that claimed that the average homo man eats the excrement from about 23 other men a year” (CLGRO 1994, 42). It is also believed that granting gay men or lesbians unions will “lead to communal suicide” (CLGRO 1999, 2). Lastly, the homosexual movement has purportedly “undermined the Bible” and “turned the Bible into hate literature.” During the debates over Bill C-250 this argument was used to justify not including sexual orientation as a protected category in the Criminal Code.

During the same-sex marriage debate, it was suggested that the very institutions of society will be undermined if such marriages are allowed. In opposition to the legalization of same-sex marriage, Nova Scotia’s Roman Catholic bishop of Antigonish, Raymond Lahey, stated: “This is not merely a legal matter, or a question of fairness, but something that overnight will change one of the basic institutions of our society” (CLGRO 2003, 122). In January 2005 Cardinal Aloysius Ambrozic, Roman Catholic Archbishop of Toronto, published a letter to Prime Minister Paul Martin urging him to maintain marriage as a heterosexual rite and use the Constitution’s notwithstanding clause to override the Charter of Rights and Freedoms or: “Canada
would be tipped into an unchartered sea fraught with risks to some of the country’s most significant social institutions, such as public education” (CLGRO 2005). Calgary Bishop Fred Henry equated lesbian and gay relationships with prostitution, adultery, and pornography and claimed that Catholic politicians might not get to heaven if they supported equality for lesbian and gay relationships (CLGRO 2005, 16). Despite this resistance, Canadian politicians decided to refrain from reopening the same-sex marriage debate in 2007 (CBC 20007).

X. Danger

A fifth theme Hess finds in her review of documents is that sexual minorities are considered a dangerous and criminal element. Homosexuals, therefore, are to be feared. Hess notes that fear-mongering about AIDS as a “homosexual disease” suggests that the threat it poses is naturally a homosexual threat. Gays and lesbians are also perceived to be a threat because they lie and therefore have little regard for other members of society. There are two subcategories within this “danger” theme: the theme of the danger of contracting AIDS and other diseases, and the theme of criminality.

Hess points out that an interesting aspect of the disease subcategory “is the number of inaccuracies or outright falsehoods promulgated” (Hess 1996, 7). The dissemination of falsehoods only serves to amplify fear that already exists in society about the risk of being infected with the deadly AIDS virus. Additionally, “because it is assumed that gays and lesbians have disregard for society it is suggested that they gleefully transmit diseases intentionally or with vengeance” (Hess 1996, 7). The second subcategory of criminality suggests that homosexuals are more likely to commit violent and heinous crimes than heterosexuals. In particular, their victims are often alleged to be children. These assertions are often “couched in such a way that one is led to believe that this type of behavior is rampant amongst homosexuals” (Hess 1996, 7).

Hess found that the phrase “crimes against humanity” (Bassiouni 1992; 1999) was used on a number of the front pages of the pamphlets she reviewed. Hess notes that in linking crimes allegedly committed by “homosexual criminals” with crimes against humanity “the writers of these documents suggest that sexual minorities are responsible for some of the most serious and violent crimes known to humankind” (Hess 1996, 8). Hess believes that the implication is that “homosexual crimes” are not meant to target individuals, but the whole heterosexual group: “Thus the inference to be drawn from the use of this language is that horrific acts are being carried out by homosexuals and that the rest of society is being victimized by
them” (Hess 1996, 8). The theme of “danger” was also found in my analysis of CLGRO news clippings.

In news clippings the “AIDS disease” is characterized as being the due punishment for persons engaging in sexual activity. The victims of AIDS who contract it through other than homosexual sex are described as being “innocent.” It is also suggested that “new strains and viruses, brewing in the bodies of homosexuals, will cause further scourges and grief to all of society” (CLGRO 1996, 15). For example, when SARS appeared in Toronto in 2003, a connection was made between the virus and HIV-AIDS. In June 2003 Ken Campbell, who is affiliated with the Canadian Christian College, referred to Toronto’s annual gay parade as the “AIDS parade” and added, “We believe that SARS will cease when the AIDS parade is cancelled. Lord have mercy on this city and upon this nation” (CLGRO 2003, 100). Some AIDS sufferers are innocent victims, while homosexual victims are a “scourge to mankind” (CLGRO 1994, 16).

According to Amnesty International, in some countries, HIV/AIDS has been labeled a “gay plague,” and homosexuality “the white man’s disease.” Same-sex relations are dubbed “unchristian,” “unAfrican,” “unIslamic,” or a “bourgeois decadence” (Amnesty International 2001, 2). Some governments seek not only to exclude lesbian and gay people from local culture, but also to deny that they are members of the human race. For example, in 1995 President Robert Mugabe of Zimbabwe branded gays as “less than human.” This dehumanization provides fertile ground for torture and ill-treatment. If queer people are “less than human,” how can they have human rights? Amnesty International notes that “the denial of a person’s basic humanity is the first step towards inhuman, cruel and degrading treatment” (Amnesty International 2001, 2).

In Canada, the suggestion that gays and lesbians are a criminal element and a danger to society as well as a social and public health problem is elaborated upon in a case in British Columbia involving the distribution of flyers promoting the view that homosexual desire is a sickness and gay sex is medically problematic (CLGRO 1997, 4). Another case, involving the banning of children’s books, supports the notion that homosexuality is not a healthy choice and that children will be psychologically damaged if they read about same-sex relationships (CLGRO 1997, 6). In yet another example, the killing of homosexuals is promoted (CLGRO 2000, 18; CLGRO 1995, 22). In another case the death penalty is supported for homosexuality (CLGRO 1994, 5). Another article promotes the view that queers attempt to impose their “lifestyle” on others (CLGRO 1994, 41). In 2006, a website run by the organization Western Canada For Us posted messages that suggested gays and lesbians “should be terminated along with retards and any other degenerates that nature should do away with in
This criminal endangerment theme was played out throughout the mayoral campaign of Glen Murray in Winnipeg, Manitoba, when CIGFX talk radio show made a number of hateful comments about him and his supporters (CLGRO 2000). Winnipeggers were told they would have to “lock up [their] sons for the next few years” if Mr. Murray was elected mayor. One host told a caller who had visited Mr. Murray’s campaign office to “get your shots” so as not to “come down with something for going into that environment.” Mr. Murray was referred to as “the queen of smut” and “an abomination in the mayor’s chair.” Show hosts compared “gay activists,” “dancing dykes,” and others to “effluent and sewage” that gets “pumped” into the mayor’s office, unfiltered. A caller who supported Mr. Murray was told to “get [his] face out of Glen Murray’s buttocks,” and another supporter was ridiculed for having a “lisp in [his] voice.” Derogatory remarks were made about “dykes,” “drag-queens,” and cross-dressing.

On the day before Mr. Murray was sworn in, show hosts encouraged callers who were offended to show up at the ceremony, and said to callers: “Let’s not get mad. Let’s get even.” According to Equality for Gays and Lesbians Everywhere, these comments represent only a very small sampling of the derogatory and offensive comments that were broadcast throughout the election campaign. In February 2000 Winnipeg’s Kristine Barr (CLGRO 2000, 7), a youth educator, lodged a suit against the same local radio station owned by CHUM, for calling her a “diesel dyke” and “homo-fascist” and implying she wished to sexually abuse children.

XI. CONSPIRACY

A pervasive theme in the materials Hess reviewed is that society as we know it today is under siege from “homosexual forces.” The authors note that gay and lesbian persons do not simply want tolerance; they have a greater political agenda, which involves creating a “queer planet.” To this end, homosexuals actively recruit new converts and enlist the assistance of collaborators outside their “movement.” In addition, they are seen to be infiltrating mainstream organizations and institutions to achieve their “destructive ends.”

Hess found in the literature many examples cited of the ways in which gay and lesbian persons succeed in advancing their “agenda.” There is a perception that lesbians and gay men have control and influence over the media, and as a result, the “rights and security of non-homosexuals are
undermined or destroyed” (Hess 1996, 9). Hess also found that there is promotion of the idea that gays and lesbians are given license to abuse and assault others in order to realize their goals (Hess 1996, 9).

My own analysis of CLGRO news clippings shows that this theme is continued in comments made in Canadian media regarding the conspiratorial nature of “homosexuals.” It is believed that gays and lesbians seek to infiltrate the school system to corrupt children (CLGRO 2000, 23). It has also been suggested that gays and lesbians force students in schools to accept and tolerate their lifestyle. It has been suggested that HIV carriers should be branded on the face and that “Hitler was brought to power by the homosexual movement” (CLGRO 2000, 12-13).

Human Life International promotes the view in Canada that homosexuality is a personally destructive lifestyle (CLGRO 1995, 13-14). Reverend Fred Phelps suggests that gays and lesbians are violent (CLGRO 1999, 26). Ken Campbell states that gays and lesbians impose their “bathhouse morality” on churches and the nation (CLGRO 1998, 7). It is suggested that providing protection to gays and lesbians under Bill C-41 will promote gay violence toward heterosexuals (CLGRO 1995, 11). Gays and lesbians have been linked to the devil (CLGRO 1995, 16). It is suggested that hate crime legislation protecting sexual orientation condones immorality (CLGRO 1995, 23). Children should be taken away from lesbian and gay parents and given to “real” parents (CLGRO 1995, 25). Gays and lesbians are suggested to be militant (CLGRO 1994, 18). Homosexuality is a threat to society because it “is an inherent departure from God’s order and destroys ‘Canadian values’” (CLGRO 1994, 29-30). Gays have a “hidden homosexual agenda” (CLGRO 1994, 33). Gay people pass on their sexuality by sexually assaulting young people (CLGRO 1994, 37). The view is also promoted that homosexuals die early, are promiscuous, and are unhappy, and that homosexuality can be unlearned (CLGRO 1994, 41); and that gay bathhouses spread AIDS (CLGRO 1993, 20). These numerous examples suggest there is much hate propaganda directed toward queers in Canada, and that this population requires protection.

Recent claims made by Canadians who oppose same-sex marriage should remind us that the above views are still prevalent. Oppositionalists continue to use scare tactics and unsubstantiated claims to support the notion of queers as depraved, sick, uncivilized, and immoral. During the Canada-wide marriage hearings in March 2003, Rita Curley of the Catholic Women’s League claimed that redefining marriage would result in adults’ having sexual activity with “babies, children of both sexes, and with animals.” She then compared gays with alcoholics and said that people become gay because “these people have been molested in their childhood and that’s what gave them the habit.” Asked by MP Svend Robinson why Jesus said
nothing about homosexuality, Ms. Curley replied that “it was not an issue because there were no homosexuals then” (CLGRO 2003, 42).

Claiming that queers are addicts, promiscuous, and sexual predators, Gwen Landolt of Real Equal and Active for Life (REAL) Women of Canada (http://www.realwomenca.com) suggested that the institution of marriage would be destroyed if queer relationships were given State sanction. Landolt thinks that the social science literature, which says that children raised in same-sex relationships are not affected, is evidence of the “high cost paid by scholars for opposing and criticizing the politically correct pro-homosexual position” (CLGRO 1993, 42). She suggested instead that same-sex marriages are different “in particular with the prevalence of drug use” (p. 42). Claiming that “homosexuality is acquired,” she went on to assert that marital fidelity “is simply not present and almost unknown in homosexual relationships” (p. 42). Landolt then made the leap that providing marriage rights to queers would ruin the institution of marriage so that “all marriages would lose fidelity” and “accepting same-sex marriage would lead to marriage between siblings and to polygamy” (p. 42). Canadians Against Same-Sex Marriage who were given intervenor status on the draft same-sex bill to federal cabinet called gay marriage an “attack on the very nature of a nation—the family unit” that will lead to people trying to marry their pets (CLGRO 2003, 124). In a televised speech against same-sex marriage shown on Toronto’s Omni 1, a Toronto multicultural TV station, U.S. Evangelist Jimmy Swaggart threatened to kill any gay man who looked at him (CLGRO 2004, 136).55 Lacking any scientific scholarly research to buttress their claims, Landolt, Curley, Swaggart, and their affiliate groups such as Canadians Against Same-Sex Marriage and Focus on the Family promote stereotypes about queer persons. A moral panic results whereby fear of the unknown “other” may be used to justify negative behavior ranging from unequal treatment and discrimination in employment and services to full-fledged physical assault and murder (Janoff 2005).

XII. **The Effects of Sexual Orientation Hate Propaganda**

What is known about the immediate effect of vicious heterosexist and homophobic acts on potential victims and communities? The effects of homophobic hate propaganda as outlined by Cohen (2000, 73-74), Banks (1999), and Matsuda (1989) suggest that the impact of sexual minority hate propaganda and racist hate propaganda are both similar and different. Cohen thinks “the harm inflicted by sexual orientation hate propaganda defies traditional legal categories such as libel and defamation” (Cohen, 2000, 73). While race is a protected category domestically and internationally, “sexual orientation” is absent from law and the human rights recogni-
tion of harm largely because gays and lesbians have been defined as “other.” With recognition of heterosexual hegemony, and the de-pathologization of “homosexual” identity, an understanding of the effect of homophobia has developed alongside that developed by critical race theorists. For example, Mari J. Matsuda (1989, 2331-32) explains that just as the harm caused by racist speech cannot be analyzed apart from the structural reality of racism, so the harm caused by sexual orientation hate propaganda must begin with an analysis of homophobia. Matsuda declines to conduct such an analysis, arguing that homophobic research requires a separate analysis from racist speech “because of the complex and violent nature of gender insubordination, and the different way in which sex operates as a locus of oppression” (Matsuda, 1989, 2331-32).

American and Canadian psychologists (Herek, Gillis, Cogan, and Glunt 1997; Garnets, Herek, and Levy 1992; Herek, Gillis, and Cogan 1999; Herek, Cogan, and Gillis 2002) reporting on the psychological effects of hateful language note that, while most discussions of anti-gay hate crimes focus on physical and sexual assault, “verbal harassment and intimidation are the most common forms of victimization of lesbians and gay men” (Garnets, Herek and Levy, 1992, 215). Words such as “faggot,” “dyke,” “queer,” and the threats of violence (implicit and explicit) that accompany them are used by oppressors to remind gays and lesbians of their subordinate status. Garnets, Herek, and Levy suggest that “anti-gay verbal abuse constitutes a symbolic form of violence and a routine reminder of the ever-present threat of physical assault” and reminds sexual minorities of their outsider and minority status (1992, 215). Anti-gay verbal assault challenges the victim’s routine sense of security and invulnerability, making the world seem more malevolent and less predictable. The psychological effects of verbal abuse can be even more severe than the effects of physical abuse because “it affects how one feels about oneself without a physical injury to which to attribute the feelings” (Garnets, Herek, and Levy 1992, 215). Verbal attacks inspire feelings of fear and self-hatred. Because verbal threats may also involve near encounters with violence, verbal abuse can seriously restrict the day-to-day behaviors of sexual minorities. Many Canadian gay and lesbian respondents to victimization surveys indicate that their public behavior is affected by their fear of physical attack (Faulkner, under review). Verbal harassment and intimidation reinforce this climate of fear. Fearing verbal harassment and intimidation, gays and lesbians form the adaptive strategy of avoiding possible occasions of verbal abuse; consequently, their day-to-day behaviors are restricted, and they may lose considerable control over their lives. Those who are closeted may view verbal intimidation as a form of outing, leading them to retreat further into the closet. Herek, Garnets, and Levy note that in addition to those close to the
victim, the entire gay and lesbian community is victimized by anti-gay verbal assaults. “Hate crimes create a climate of fear that pressures lesbians and gay men to hide their sexual orientation” (Garnets, Herek, and Levy 1992, 216).

Banks (1999) argues that the injury of hate propaganda is threefold, resulting in: (1) loss of human dignity and self-worth and belonging to community; (2) loss of cultural identity and group defamation; and (3) society as a whole being wounded by the experience (Banks 1999). Banks thinks that the effect of hearing hateful speech can cause targeted individuals to take drastic measures in reaction, perhaps avoiding activities which bring them into contact with non-group members or adopting attitudes and postures intended to allow them to blend with the majority. Exposure to the hatred, contempt, and humiliation of hate propaganda leaves the target group members feeling like outsiders in their own country, inhibited from contributing to the extent of their desire and ability. Not only does hate propaganda harm individuals and communities, but “the animosity created by ignorance and hatred further exacerbates the divisions of a nation” (Banks 1999, 25) A further effect is the danger that “those to whom hate speech is directed will accept the prejudice, further damaging their self esteem and dignity, or not speak out against the hatemonger and assert their own views due to fear of further attack, thus denying the target group members full participation in the democratic process” (Banks 1999, 26). Respondents to Canadian anti-gay/lesbian violence surveys provided many examples of how queer persons exclude themselves from mainstream culture in order to prevent potential victimization (Faulkner, under review). On the other hand, “members of the group at which the hate speech is directed may respond aggressively to it with violence, further escalating social tension” (Banks 1999, 26).

XIII. RECOMMENDATIONS FOR FUTURE RESEARCH

An exploration of prima facie evidence of hate propaganda directed at sexual minorities in Canada suggests that parallels can be drawn between the type of hate propaganda directed at racial and ethnic minorities and that directed toward gays and lesbians. Gays and lesbians of racial and ethnic diversity experience multiple and sometimes triple oppressions. The effect is to attempt to incite hatred toward a group due to characteristics that set it apart from what is perceived to be normative. The link between the portrayal of negative attitudes and stereotypes and actual hate activities can be seen in organized and premeditated “gay bashings” and other incidents of anti-gay/lesbian violence. The language of hate is often coupled with actual physical assaults in these criminal acts. Keegstra’s case established that sci-
cientific proof of a causal relationship is not required. Because gays and lesbians continue to be despised and vilified without any state and broader community recognition of the harm done to them, their ability to attain complete personhood within the Canadian state is seriously impaired.

Future conceptualizations of hate propaganda directed toward sexual minorities should incorporate an analysis of the history of their oppression, the effect of hate propaganda on the group, and documentation of ongoing and intentional targeting of homosexuals in public media and political debate. An examination of the religious exemption outlined in the Criminal Code is also required.

The evidence suggests that potential harm may be caused by unchecked hate propaganda directed toward gays, lesbians, bisexuals, and transgendered persons. While it might seem that any rational discussion of issues would lead to enlightenment that would limit discriminatory views, such challenges need not come only from political activists, but also from government. The research to date in Canada suggests that verbal assaults and threats of physical violence are the most common forms of hatred directed at sexual minorities. The role of harmful thoughts, words, and deeds on queers has been under-studied in the Canadian context. In light of previous government-funded research which found that the social-psychological effects of racist and religious hate propaganda is damaging to Canadian society, it is surprising that such opinions about sexual minorities have to date been allowed to continue unchecked (Canada 1966, 28).

In looking at media that attest to hatred directed toward queers, we can see that there is a tension between the need to respond through education and restorative justice or through the use of law. The inclusion of “sexual orientation” as a protected category in the present hate propaganda provisions of the Criminal Code signals a symbolic acceptance of queers in Canadian society. It is also important to make intersections with various forms of oppression, as well as to continue to educate. The discourse of rights and equality may seem to empower queer persons with a new tool with which to challenge false and hateful information, but there is always risk in presuming that the work of raising social awareness through social justice and action has been achieved. However, we must remember how investments in a dominant legalistic discourse construct and shape reality in ways that are not always helpful to queer lives—in fact, such investment in rights-based discourse often goes against the very experiences of gays and lesbians. For example, in debates over the appropriateness and inappropriateness of queer erotica, there will always be those among the queer communities who argue for freedom of expression.

Attention to hateful discourse and its effects shows how lives may be regulated by language and how normative assumptions of queer identities
are asserted through categories that include the experiences of some gays and lesbians and exclude the experiences of others. This naturalizes certain forms of queer existence and represses knowledge and understanding of others. Hateful language is always hateful; however it needs to be contextualized in terms of personal histories and social identities. The dominant discourse of hate and rejection impact on queer sense of safety and security, however, this discourse is not all destructive and overdetermining. Queers have the power to resist and challenge; and by offering one more tool with which to negotiate equality, the passage of Bill C-250 provides an instrument of resistance.

REFERENCES


Bill C-41: An Act to amend the Criminal Code (sentencing) and other Acts in consequence thereof, as passed by the House of Commons on June 15, 1995, and given Royal Assent on July 15, 1995.


Canada. 1966. *Report to the Minister of Justice of the Special Committee on Hate Propaganda in Canada*. Ottawa: Queen’s Printer.


Franklin, Raymond A. Hate directory. Online: http://www.bcpl.net/~rfrankli/hate dir.htm.
Jeffrey, Bill. 1998. Standing up to hate: Legal remedies available to victims of


**BILLS**

Bill C-250: An Act to Amend the Criminal Code (hate propaganda) as Passed by the House of Commons Canada on September 17, 2003.

Bill C-41: An Act to Amend the Criminal Code (Sentencing) and Other Acts in Consequence Thereof, as passed by the House of Commons on June 15, 1995, and given Royal Assent on July 15, 1995. By Order in Council P.C. 1996-1271 (August 7, 1996), other than subsection 718.3(5) and sections 747 to 747.8 of these provisions came into force as of September 3, 1996.

Bill C-3 was given Royal Assent on June 11, 1970. The amendment is listed as *An Act to Amend the Criminal Code*, R.S.C. 1970 (1st Supp.), c. 11, amending R.S.C. 1970., c.C-34
NOTES

1. Based on a 1990 Statistics Canada study on consumer finances, yielding data on homes in which two unrelated adults of the same sex live together, excluding students and showing that over 90% of the same-sex households consist of two income earners, it is estimated that 1.5% of Canada’s couples are gay, about 140,000 couples. The Canadian Finance Department released the study in 1999 written by tax policy officer Albert Wakkary, saying including same-sex couples in spousal statutes will increase Ottawa’s revenue by $20 million, a minuscule savings for the $77 billion tax system. (CLGRO 2000, 37).


3. Bill C-41: An Act to Amend the Criminal Code (Sentencing) and Other Acts in Consequence Thereof, as passed by the House of Commons on June 15, 1995, and given Royal Assent on July 15, 1995. By Order in Council P.C. 1996-1271 (August 7, 1996), other than subsection 718.3(5) and sections 747 to 747.8 of these provisions came into force as of September 3, 1996.

4. This Act may be cited as the Canadian Human Rights Act. 1976-77, c. 33, s. 1.

5. Hess reviewed the following materials: The Pro-Life Activists Encyclopedia; Violence and Homosexuality; newspaper clippings RE: Celebration of Marc Lepine at Petawawa; Born that Way; Ottawa Update on Svend Robinson; Philip Mayfield MP Questionnaire; Georgia Straits clippings RE: Reform Party Family Caucus; House of Commons Debates - M. P. Skoke; The Homosexual Dilemma; Queer Nazis; 10 Reasons Why Alex Munter Must Resign; Psychology of Homosexuality; What Causes AIDS and Can It Be Cured; The Face of Tomorrow: The Metro Renaissance Committee; Free Speech Monitor; CAFÉ, Gay Lessons; Medical Consequences of What Homosexuals Do; Child Molestation and Homosexuality; Homosexuality & the AIDS Threat to the Nation’s Blood Supply; AIDS, the Blood Supply and Homosexuality; Medical Aspects of Homosexuality; ISIS Position Paper on Homosexuality; What Homosexuals Do (It’s More than Merely Disgusting).


7. In 1984, Metropolitan Toronto Police Association President Paul Walter was quoted in Arnold Bruner’s report on the bathhouse raids in Toronto. Walter was quoted as being opposed to hiring gay police officers because “he felt they would be prone to engage in overt sex acts with each other in inappropriate places” and “as homosexuals become older, their sexual appetite turns increasingly to young boys.”

8. In the Vriend case, Justice J. A. McClung linked homosexuality with serial killers and pedophiles. In February 1996, the Alberta Court of Appeal overturned the judgement in Vriend, instructing the province to change the IRPA to include “sexual orientation.” Mr. Justice J. A. McClung, writing in the majority decision, asserted that judges should not be making decisions that are within the jurisdiction of the legislature. Further, he expressed concern that too much protection might be given to the wrong people: “It is pointless to deny that the Dahmer, Bernardo, and Olsen prosecutions have recently weighted public concern about violently aberrant sexual configurations and how they find expressions against their victims,” and added, “no protection is afforded by the legislation to heterosexuals which is simultaneously denied to homosexuals.”

9. In May 2000, the Canadian Broadcast Standards Council (a peer-driven council of Canadian broadcasters, with no powers of enforcement) reprimanded The Dr. Laura Program for “abusive discrimination” and violating the CBSC ethics code in calling LGBs deviant and linking gay men to child-molesting, but though the CBSC was worried her comment
could result in hostility or brutality, they decided she did not encourage people to kill LGBs. Radio stations carrying the show must now broadcast a prepared statement during peak listening hours stating they are violating the CAB (Canadian Association of Broadcasters) code of ethics. Procter and Gamble decided to advertise during the show. By Oct 2000 all Global-owned TV stations in Canada had canned Dr. Laura’s show—Global said because of low ratings; protesters said because of protests which caused 40+ advertisers to withdraw.

10. In February of 2000, Winnipeg’s Kristine Barr, a youth health educator, went public with her suit lodged last June against local radio station AM1290 owned by CHUM Group Ltd, when its shock-jocks called her a “diesel dyke” and “homo-fascist” and implied she wishes to sexually abuse children. The station was reprimanded before by the CRTC for its comments on out gay city councillor Glen Murray.


12. In defense of his Liberty Net hotline message promoting the execution of homosexual child abusers, Tony McAleer responded to the Canadian Human Rights Commission tribunal that his “message was not about homosexuals but pedophiles and it is okay to hate pedophiles.”

13. In April 1994, in the case of Delvin Vriend (February 1991), Justice Anne Russell of the Court of Queen’s Bench in Alberta ruled that the Individual Rights Protection Act is inconsistent with the Charter and that the IRPA must be administered as though it provided protection against discrimination on the basis of sexual orientation. Vriend had been fired from his college in 1991 after coming out. The Alberta HRC was unable to take the case because sexual orientation is not a prohibited ground of discrimination in the province. He therefore filed a Charter challenge. The province had 30 days to appeal. Diane Mirosh, the original minister of community development, said that “gay rights are special rights,” and Gary Mohr, the new minister, told the media that “the decision will give licence to paedophilia.” In May 1994 the Government of Alberta appealed the decision, which it eventually lost before the Supreme Court of Canada.

14. Some Canadians suggest that supporting homosexuality is promoting a deviant lifestyle. In August 1993, Blue Line, Canada’s national law enforcement magazine, refused to run an ad for Toronto’s Gay Cops United Foundation and thereby “promote a deviant lifestyle.” Editor Morley Lymburner said, “I do not feel that your, or anyone else’s, sexual tastes should be a topic of promotion in my magazine.”

15. The fax also stated: “Male homosexuals have a higher rate of disease than normal people: syphilis (14x); gonorrhea (3x); genital warts (3x); hepatitis (8-50x); lice (3x); scabies (5x); penile-contact infection (30x); oral/penile infection (100’s of x); AIDS (5000x) & also experience herpes, urethritis, periculosis and intestinal parasites”; “Minneapolis and San Francisco have had epidemics in the general population due to homosexual food handlers in restaurants”; “AIDS has been transmitted without breaking skin and via a dentist; it survives freezing; it has been found on ‘sterilized’ needles; it can be transmitted in saliva”; “The average homo man eats excrement from about 23 other men each year”; “Surgeons have removed from their anus: light bulbs, fermenting veggies, pop bottles, dildos, vibrators, shaving cream cans and small animals.” Fax to City Councillors Offices: “Octopus Books at 798 Banks, is welcoming Alex Munter tomorrow evening to talk about his ‘gay’ agenda to ‘suburbia.’”

16. In 1997, the American Psychological Association voted to oppose “conversion” therapy attempting to turn gays straight and added, “The APA opposes all portrayals of lesbian, gay, and bisexual people as mentally ill and in need of treatment due to their sexual orientation.”

17. The theme of change and moral responsibility to participate in society was prompted by two Canadian groups which oppose the introduction of Bill C-23, an act to modernize the
status of Canada in relation to benefits and obligations which could change 68 laws affecting unmarried couples and gives same-sex couples common-law status. The bill was introduced by the federal Liberal government in February 2000. The government committee heard from right-wing groups such as REAL Women and the Toronto District Muslim Education Assembly while refusing to hear from the National Action Committee on the Status of Women (NAC). The Toronto District Muslim Education Assembly stated that “gay relationships negate the higher societal duty of procreation . . . and promote moral corruption and degradation of human beings.” What next? they asked. “Will we approve incest?”  Gwen Landolt, speaking for REAL Women, stated that “if people can change from straight to gay (coming out) they can change from gay to straight and they should.”

18. At an Ottawa Mosque in May 1999, Imam Gamal Sollaian denounced same-sex relationships as “unnatural, unhealthy, and against God’s will,” and invited Muslims to contribute to the Liberals or the Tories. Two provincial election candidates canvassed after the service.

19. In Toronto, a Toronto Transit Commission employee refused to work with transfers that say “Lesbian/Gay/Bisexual Services,” calling it a “health and safety issue” and was disciplined by the TTC. The transfers were the result of a human rights case launched in June 1993 and resolved in November 1998, in which the TTC refused to put up gay-positive posters.

20. In June 1999, in response to the M. v. H. decision and talk of the liberals supporting same-sex marriage, Reform Party Critic Eric Lowther (Calgary Centre) argued that the recent Supreme Court ruling in M. v. H. has confused people: “with the capacity for natural heterosexual intercourse as an essential element . . . marriage provides a healthy biological design for procreation. Other types of relationships are technically incomplete.” Lowther also mentioned [heterosexual] “parental fullness” and “the gender-deprived parenting of same-sex relationships,” suggesting that children of straight couples grow up to behave better. Wentworth-Burlington MP John Bryden spoke of “the right of children to heterosexual parents.”

21. In April, 1996, Focus on the Family protested against the inclusion of sexual orientation in the Canadian Human Rights Act. In February 1996, the Canadian Senate passed Warren Kinsella’s Bill S-2, to include sexual orientation in the CHRC. Focus on the Family gave written testimony “against passing the bill because it will discourage gay people from seeking the cure” and a Manitoba church claimed that its group was against the bill because it was a “threat to Canada’s youth.” Reform MP Bob Ringma said he would dismiss to the back room or fire a gay or black man or any other minority-group member whose presence was affecting sales. Ringma apologized and resigned as party whip.

22. The notion that homosexuality is a choice is evident in the following comment made by Alberta Reform MP John Williams. In April 1995, Williams opposed the National Gallery’s $200,000 purchase of General Idea’s “One Year of AZT,” a 1991, room-sized work composed of 1,825 large white fiberglass capsules: “We shouldn’t be glorifying a disease that we get through choice: We should be using our money to educate our young on the dangers of promiscuity and immorality.”

23. Continuing the mental illness theme, in February 1994, University of Ottawa professor Paul Lamy was investigated by the Department of Social Sciences after complaints about his teachings: “You call them bisexuals, I call them psychopaths”; “Lesbians and gay men don’t have family values”; “Feminists are irrational manhaters,” etc. Lamy later declared that he retracted the psychopath comment and the case was therefore closed.

24. The link is often made between “unnatural sex practices” and homosexuals as sexual abusers and criminals. In July 1994, People Against Queering Canada held a 150-strong rally in Sarnia “to stop the gay rights movement.” A handout with many biblical quotations explained, “They claim to be a minority group and should be treated as such. . . The only tie which binds homosexuals together is their unnatural sex practice, thus making them a far cry from religious, racial, or any other minority group. Therefore the homosexual community
should be entitled and treated no differently than any other sex offender, rapist, or child molester.”

25. The notion that gay sex is unnatural and sick is promoted by the Reverend Ken Campbell’s Metro Renaissance in his brief presented to the Royal Commission on Learning. The brief stated the following: “A good rule of thumb is, ‘if it doesn’t fit, don’t put it in.’ Perhaps you’ve been brainwashed by the media to be ‘tolerant’ and accept homosexual behaviour; then let’s imagine for a moment that there are people with an ‘orientation’ where they are obsessive about putting broom sticks up the orifices of their nostrils with recurring stretching, tearing and bleeds; ‘Oh, get serious,’ you’re probably saying, ‘That’s absolutely ludicrous.’ Well, no more ludicrous than [sic] shoving something into a rear end’s orifice with the same results of stretching, tearing and bleeds.”

26. In response to Bill C-23, intended to modernize the statutes of Canada in relation to benefits and obligations, Peter Stock of the Family Action Coalition stated: “There is no discernible good that these relationships contribute to society.” In April of 2000, Bill C-23 reached 3rd reading and passed 174-72 with much argument about bigotry, the moral fiber of society, etc. The term “common-law partners” now covers gay and straight relationships alike. In all, 170 amendments were filed by opponents. The Reform party asked that the bill be sent back to committee for further amendments to insert the definition of marriage many times; however, the motion was defeated.

27. In 1994, Jim Egan and Jack Nesbitt’s challenge to the Old Age Security Act reached the Supreme Court of Canada. Government lawyers argued that lesbians and gay men are not a needy group. Egan and Nesbitt had applied for a low-income supplement and had been living together since 1948. A coalition, including the Attorney General of Quebec, the Canadian Conference of Catholic Bishops, REAL Women, Focus on the Family, Hindu, Sikh and Muslim groups, the Evangelical Fellowship of Canada, and the antigay Interfaith Coalition on Marriage and the Family, argued that the state can and should “privilege” heterosexual relationships. In its joint brief, the coalition said: “Society is more prepared to eat excrement than it is prepared to accept homosexual relationships.” The government withdrew its support of Egan and Nesbitt following the defeat of Bill 167.

28. In January of 2000, the Winnipeg Council of Rabbis said that the decision of one of their peers to perform same-sex and interfaith unions “will lead to communal suicide,” but Rabbi Michael Levenson says he has performed many such unions in the U.S. which is more tolerant.

29. Some believe that the “homosexual movement” undermines the Bible. In July 1993, the Saskatchewan president of the Christian Heritage Party said human rights protection for lesbians and gay men has turned the Bible into hate literature (citing the section of Leviticus which says gays should be put to death) and lodges a complaint with the Saskatchewan HRC to have the sexual orientation amendment reversed for undermining the freedom of expression provisions. The Saskatchewan Human Rights Commission has previously rejected Owen’s contention that the Bible is hate literature.

30. Calgary Bishop Fred Henry calls for governments to “proscribe or curtail” homosexuality, saying the government has a duty to suppress public expressions of homosexuality. In a pastoral letter read in every church in the diocese, Henry equates lesbian and gay relationships with prostitution and pornography: “Since homosexuality, adultery, prostitution and pornography undermine the foundations of the family, the basis of society, then the State must use its coercive power to proscribe or curtail them in the interests of the common good. …It is sometimes argued that what we do in the privacy of our home is nobody’s business. While the privacy of the home is undoubtedly sacred, it is not absolute. Furthermore, an evil act remains an evil act whether it is performed in public or in private.” In 2003, Henry warned Catholic politicians that they might not get into heaven if they supported equality for lesbian and gay relationships.

31. In response to Reform Health Critic Grant Hill’s comments about Bill C-33 and “gay disease,” Dr. Jack Armstrong, head of the Canadian Medical Association, tells the annual
meeting of the Medical Society of Nova Scotia that “physicians in Canada are here to provide care to all citizens of this country, regardless of their sexual preference or orientation or for any other reasons.”

32. The notion that lesbians and gay men are a danger to society and have the power to annihilate society as Canadians know it is promoted by Nova Scotia MP Roseanne Skoke in response to the discussion concerning changing the definition of “spouse.” During a CBC interview on the topic, Skoke stated, “[They] are not families in law . . . and they will not be family” and “There are those innocent victims that are dying from AIDS and then there are those homosexualists that are promoting and advancing the homosexual movement and that are spreading AIDS. AIDS is a scourge to mankind and there will be no cure for AIDS. And so this love, this compassion [between homosexuals] based on an inhuman act, defiles humanity, destroys the family . . . and is annihilating mankind.” He declared, “To redefine the family to include homosexual and lesbian relationships is immoral, unjust, and a violation of the rights of the family which are well founded in both Canadian and natural law.” Skoke continued, “The family unit is the basic institution of life and the solid foundation on which our forebears built this great nation.” Skoke also opposed lesbian, gay, bisexual child custody and human rights protection on the basis of sexual orientation and compared homosexuality to pedophilia and bestiality. Ibid., CLGRO, “Selected Newsclippings, 1994,” p. 16. On the same issue, Roman Catholic Archbishop of Toronto Aloysius Ambrozic patronized gays and lesbians by suggesting that they are weak and subject to their sexual appetites: “We should be kind to homosexuals and understand their problems . . . The poor devils, they’re their own worst enemies,” leaving one to wonder if having sex is all that gay and lesbian persons think about and do.

33. The suggestion that gays and lesbians are a social and public health problem was elaborated upon in the following case that went to the British Columbia human rights commission. After a Victoria B.C. resident in December of 1996 bought anti-gay hate material (U.S. Family Research Institute pamphlets) titled “Murder, Violence and Homosexuality,” “Medical Consequences of What Homosexuals Do,” and “What Causes Homosexual Desire and Can It Be Changed?” in Prince George’s Ave Maria Gifts and Health Foods, she complained to the owner, Louis Matte. He refused to withdraw any of the material except the first-mentioned leaflet. An employee of the store quit in protest and reported to the Canadian Broadcast Commission, which broadcast the news in January. The PG Coalition for Human Equality then formed. In February, Matte took out a full-page ad in the Free Press, criticizing the CBC, describing homosexuality as a social and public-health problem, and citing “traditional Christian values” and Alberta Reform MP Grant Hill. Shane Mills of the Free Press advocated that, for the sake of democracy, the BC government revoke the section of the human rights act prohibiting hate literature against lesbians, gays, and bisexuals. The RCMP was unwilling to lay charges since lesbians, gays, and bisexuals are not a protected group under the Criminal Code. In addition, they concluded that the distribution of religion-based hate literature in good faith is protected.

34. Upon banning the books Asha’s Mums, Belinda’s Bouquet, and One Dad, Two Dads from a British Columbia public school, the board chair stated, “I do believe that if parents want to teach their children that homosexuality is not a healthy choice, then they have that right to in this country—at least for now.” The BC Teachers Federation had passed a resolution in March to “create a program to eliminate homophobia and heterosexism in the BC public school system.”

35. In October, 2000, posters went up in Toronto’s gay district announcing the formation of a lesbian-bashing group; police said they were treating it as “uttering a death threat.” In May 1995, Winnipeg police said they were unable to press charges against the distributors of pamphlets calling for the killing of homosexuals since the federal law does not protect women or lesbians, gays and bisexuals. The notion that gay persons should be killed if found to be child molesters is evident in the beliefs promoted by the Liberty Net hotline. In January 1994, the Canadian Human Rights Commission tribunal investigated Liberty Net hotline,
which broadcast a recorded message by Tony McAleer in January 1993. The hotline message stated that “child molesters, homo or otherwise, should be executed. Hell, the ancient Celts used to take their queers and trample them into peat bogs. It’s not such a bad idea, maybe.” In this case, the CRTC ruled that Liberty Net must cease “discriminating on the basis of sexual orientation, in particular on the basis of homosexuality,” concluding that this “exposed a person or persons to hatred or contempt on the basis of their sexual orientation.” The CHRC could not close down the phone line; but any violation of the order was liable to lead to contempt of court charges. McAleer’s lawyer, Doug Christie, who also defended Ernst Zundel, said that 1) sexual orientation is not protected by the Charter or the CHRA, and 2) the message was not about homosexuals but pedophiles and it is ok to hate pedophiles, and 3) the message was humorous. In a previous complaint McAleer, who organized a white supremacist meeting in Vancouver in 1993, was ordered to close down the phone line because of racist messages and is currently appealing a contempt of court charge. The CRTC suspended Liberty Net’s right to telephone service because of the racist messages. Telephone messages are federally regulated.

36. In February of 1994, possibly in response to January’s Lesbian/Gay/Bisexual awareness week, handwritten flyers were posted at the University of Toronto and stuffed into the student newspaper, The Varsity, reading, “Repent or perish. The death penalty for homosexuality still stands.” Ibid., the University of Toronto responds that it cannot pursue an investigation because “sexual orientation” is not a protected group under the Criminal Code.

37. That gays and lesbians are considered to pose a danger and are a dangerous and criminal element is evident in the position taken by BC Reform MP Bob Ringma in a December 14th interview in the Nanaimo Free Press: “I’m not in favour of them trying more and more to make their way of life spread around to other parts of the straight community—especially when they involve children—I would defend the right of a employer to discriminate against homosexuals if he found the homosexual had a negative effect on his business.”


39. The notion that gays and lesbians may be corrupting the education system in Toronto, Ontario may have been on the minds of two Muslim groups. In September 2000, 600 Muslim fundamentalists (Ontarians for Traditional Family Values, and the Toronto District Muslim Education Assembly) rallied outside Queen’s Park and marched to the Toronto school board under the slogans “morality not promiscuity,” “save the children,” and “education not moral corruption.” The group claimed they objected to the school board’s positive teachings on homosexuality.

40. The theme of gays and lesbians imposing themselves on others arose in another case being heard by the British Columbia Human Rights Comission (2000). In October, 2000, hearings began on a hate discrimination case filed by a group of gay teachers and straight parents in B.C. against the Vancouver-based Citizens’ Research Institute, which sent out in 1996 “A Declaration of Family Rights,” which was a mailing showing how to threaten legal action against schools that portray homosexuality as something “acceptable” that “must be tolerated.”

41. The conspiratorial nature of gays and lesbians was discussed at the Human Life International conference in Toronto. In April 1999, the Human Life International 18th annual world conference in Toronto met with large demonstrations and confined itself to a hotel. The conference featured lectures such as “Abnormal Relations: Same Sex Attraction and Marriage,” with opening speaker Father Paul Marx, who founded HLI in 1972. He endorses the views of Paul Cameron, who was barred from the American Psychological Association in 1983 for saying he thought that HIV-positive persons should be branded on the face and forced to be celibate or eliminated. Marx’s 1991 book, The Apostle of Life, claims that homosexuals, feminists and Jews are part of a conspiratorial “culture of death.” Conference presenter Judith Reisman claimed that “Hitler was brought to power by the homosexual
movement.” Two men who protested against HLI were arrested and the charges were later dropped.

42. In April of 1995, the U.S. anti-abortion group Human Life International held its 14th annual world conference in Montreal, where some 1000 attended. The HLI “position statement” says that “homosexuality is deviant behaviour that is socially, and personally destructive.” Theresa Bell, executive director of HLI Ottawa, stated, “Homosexuality is a life issue . . . on an economic level, if we’re going to approve [of LGBs], where will we get the population from?” Reisman claimed: “You will not ever do anything about homosexuality until you address pornography,” and Father John Harvey of Courage expressed the belief that gays should return to their opposite-sex spouses or live without sex.

43. The belief that sexual minorities are violent was promoted by the Reverend Fred Phelps in June of 1999. Minister of the Kansas-based Westboro Baptist Church, Phelps runs the Internet site godhatesfags.com. He planned to visit Canada on June 28 and burn the Canadian flag outside the Supreme Court building in Ottawa to show his objection to the M. v. H. decision. Phelps stated: “Canada is a grotesque malignant tumour sitting atop Uncle Sam’s head, threatening to metastasize.” Margie Phelps, his daughter, claimed that “Everyone knows fags are violent” and that “your police officers are as black-hearted as the perverts.” Phelps said he would go to Ottawa at the end of pride week celebrations on July 18 and would picket “Ottawa fag churches” on July 19. In August of 1999, Fred Phelps did not show up in Ottawa, but his daughter and press officer did, and burned the Canadian flag on the steps of the Supreme Court building; “We’re here to basically say it’s not okay to be gay,” she said. “God’s hate is wonderful and perfect and someone’s got to start talking about that. He does not love everybody.” They proceeded to Montreal where they unfurled and burned a “fag flag”; a scuffle ensued and two counter-protesters were arrested for disturbing the peace. In February of 1994, at gay activist Randy Shilt’s funeral service, Reverend Fred Phelps and ten supporters carried signs that read “God Hates Fags.” The Phelps clan also organized a demonstration outside the funeral of murdered gay student Matthew Shepard.

44. In April of 1998, in response to the M. v. H. decision, Ken Campbell and some of his groups took out a $45,000 full-page add in the Globe and Mail declaring that the government was “imposing ‘bathhouse morality’ on the churches and in the nation’s living rooms.” Philip Shea filed a complaint with the Ontario Human Rights Commission (OHRC) under s. 13.1 of the OHR Code claiming it is illegal to announce the intention to discriminate or incite others to do so; however, his complaint was later dismissed on the grounds of freedom of expression.

45. Vancouver-area Reform MP Paul Forsyth opposed the inclusion of sexual orientation in the hate crime bill, C-41, because “gay bashing is as likely to be perpetrated by vengeful gays suffering from the effects of short term relationships and poor health.”

46. In April of 1995, hundreds of protestors in Winnipeg shouted down antigay evangelist Bob Larson from Colorado; he left the university campus without presenting his speech. Eight hundred of Larson’s supporters were there, including local KKK sympathizer Bill Harcus. Larson’s crusades included such topics as opposing gays, abortion, NRT, witches, satanism, and heavy rock. Later, Larson used the event in a fundraising letter to “wage war in the Canadian Courts to demand our Christian rights”: “The devil is trying to force me off the air in every city. He’s using a well-organized homosexual movement to do it.”

47. In June, 1995, Bill C-41, the federal hate crimes legislation, passed commons 168-51, with sexual orientation included as a protected category. Reform MP Myron Thompson said that it was “condoning immorality” and that “85% of Canadians agree.”

48. In July of 1995, the British Columbia (BC) human rights minister Ujjal Dosanjah announced Bill 32 to overhaul the BC Human Rights Act, which would include replacing the BC Adoption Act with one that allows common-law couples and unmarried adults to adopt. Reform MP Richard Neufeld responded that children are raised much better, and their whole outlook on life will be different, if they are raised in a traditional family. Reform party leader
Jack Weisgerber opined that “in the event of the death of a lesbian or gay parent, a child should be taken away and adopted by a traditional family.” At the June Reform convention it was resolved that “the traditional family is the basis of society” and marriage was defined as “the legal union of two people of the opposite sex.”

49. Gays are considered to be members of well organized militant groups. In response to the defeat of Bill 167 (Ontario), Federal Reform MP Myron Thompson of Wild Rose, Alberta issued a press release that claimed that “the failure of the militant gay and lesbian special interests to get same-sex legislation passed in Ontario is a victory for the traditional family” and that “the traditional family is the most important link to social order and peace in Canada.”

50. In the following examples it is argued that lesbian or gay “lifestyle” is a departure from Christianity and godliness, and is unnatural. In September of 1994, Fidelity, a group of Conservative American clergy, sponsored a conference on homosexuality, promoting the view that “homosexuality is an inherent departure from God’s order.” Ibid., CLGRO, “Selected Newslipings, 1994,” p. 29. Speakers included Sue Careless from CURE and US therapist Elizabeth Moberly, who claimed she “cures” gays. In September of 1994, MP Roseanne Skoke stated that gays and lesbians impose their lifestyle on others: “We’re talking about imposing upon and insisting that all Canadians condone what is in my opinion immoral and unnatural . . . I have a right as a Christian to defend the values of our Canadian country.” She expressed the belief that gays are undermining and destroying Canadian values and Christian morality (CLGRO 1994, 29). When Bill C-41 passed second reading in October 1994, Ken Epp, Reform MP for Elk Island, Alberta, said that sexual fidelity will end AIDS and solve everything. Art Hangar, Calgary, Northeast, said he does not believe homosexuals should be treated as families.

51. In 1994, out gay Kanata councillor Alex Munter’s campaign posters were defaced with anti-gay graffiti, and articles written by Robert Eady and Bruce Clark in local newspapers suggested a “hidden homosexual agenda.” In Toronto, out gay school trustee candidate Philip Share received harassing telephone messages: “You fags are history. Your place is going to explode” and “Nobody’s going to vote for a fag and a Jew.”

52. In November of 1994, Stratford’s Beacon Herald ran a piece beginning, “If homosexuals get special consideration in law against hate crimes, a push to legalize paedophilia won’t be far behind,” and went on to quote U.S. anti-gay researcher Paul Cameron: “Homosexuals die younger, are unhappy, develop their sexual orientation through childhood homosexual experiences and are likely to pass it on by sexually assaulting young children.”

53. In December of 1994, Scarborough Liberal MP Tom Wappel held a special community forum at Danforth Gardens Public School on immigration and sexual orientation. Wappel said he could not support the inclusion of “sexual orientation” in the CHRA, since it could include “pedophiles, maybe heterosexual, homosexual, and bisexual,” and that “inclusion would imply that homosexuality is OK,” which he said that most of his constituents don’t believe. He distributed a 21-page document stating that homosexuals die early, that homosexuals (apparently all men) are promiscuous, that homosexuality can be unlearned, and so forth.

54. In 1987, Toronto Life’s “Sex and Death” issue stated that bathhouses and in particular the Barracks help spread AIDS. In December of 1993, Toronto Life finally published an apology.

55. Omni 1, a Toronto multicultural TV station, apologized for a telecast of US evangelist Jimmy Swaggart’s television program in which he threatened to kill gays. The program prompted an investigation by the CRTC. Swaggart responded: “I’m trying to find the correct name for it . . . this utter absolute, asinine, idiotic stupidity of men marrying men. . . . I’ve never seen a man in my life I wanted to marry. And I’m gonna be blunt and plain; if
one ever looks at me like that, I'm gonna kill him and tell God he died.” These remarks met with applause from the congregation at his ministry in New Orleans where the show was taped.
STUDENT VOICES

Genocide on the Airwaves: An Analysis of the International Law Concerning Radio Jamming

Meghna Rajadhyaksha

ABSTRACT

Using the Rwandan genocide as an example, this article makes a case for allowing the jamming of radios that are broadcasting hate speech in situations in which such hate speech would incite genocide. To this end, it discusses the law relating to freedom of speech and communication in international law and its relative position when applied to genocide. Further, it analyzes the traditional notions of state sovereignty to make a case for humanitarian intervention by radio jamming. Finally, it recommends the establishment of a body under the aegis of the UN with the mandate and equipment to jam incendiary broadcasts in situations that are gravitating toward genocide.

I. INTRODUCTION

The radio is an immensely powerful tool of communication. With relatively cheap equipment, it can reach millions of people in the remotest areas of a country, carrying entertainment, generating opinions, and conveying information. In its most beneficent form, the radio has been used as a tool of education, as a means of communication of danger, and to generate opinions for peace and reconciliation. In contrast, virulent radio broadcasts have been used for propaganda since the time of the Nazis.

For example, in 1994, nearly 800,000 Tutsis and moderate Hutus were massacred in Rwanda in a span of about four months as the rest of the world stood by and watched. It was later noted that in spite of the so-called “spontaneity” of the killings and the underdevelopment of the Rwandan infrastructure, the massacres were carried out in a highly planned and coordinated manner. This was largely done by the use of the radio, particularly the radio station known as Radio-Télevision Libre des Milles Collines (RTLM). The French Commander of the UN Forces in Rwanda, General Romeo Dallaire, in fact noted that “many lives would have been saved” if he had been provided with proper jamming equipment.

The most appalling aspect of these massacres was that at this time,
radio technology was sufficiently advanced to provide sophisticated equipment to jam radio broadcasts and thus prevent them from being aired. However, neither the United Nations nor any developed nation with such technology intervened in the Rwandan crisis. The problems they perceived related to the absence of a framework under international law to enable jamming of communications in another state. Besides, there was no pre-existing UN body to facilitate such a move. In simple terms, the technology was available, but there was no legal protocol in place to ensure its use for the protection of human rights.

In contrast, during the conflict in Bosnia, the role of the media was well identified. Under the Dayton Peace Agreement of 1995, the Organization for Security and Cooperation in Europe (OSCE) was given the mandate to conduct the elections in the region, and as part of the execution of this job, it took upon itself the duty of regulating the media and preventing incendiary broadcasts. It went to the extent of jamming broadcasts and seizing transmitters to serve this end. However, in this case, the Dayton Accords, signed by the sovereigns in the region, gave the OSCE (which consisted primarily of NATO powers) the authority to interfere in the affairs in Bosnia and take the steps required to jam broadcasts. Outside such consensual surrender, there is no legal framework in international law to address the issue of hate speech in internal armed conflicts.

Hence, this essay attempts to explicate and fill the lacunae in the theory and practice of international law relating to radio jamming. At the theoretical level, this article will address the questions of sovereignty and freedom of information in international law which were raised as arguments against jamming radios in Rwanda. With regard to the practice, an attempt is made to analyze possible frameworks under the UN by means of which such jamming could be effected.

II. Radio Jamming and Information Intervention

“Information intervention” is a broad term coined by J.F. Metzl that includes a wide range of international interference in public media activities in a state where genocide is likely to occur. Radio jamming is just a subset of the range of operations contemplated in information intervention.

International radio frequencies are controlled and coordinated by the International Telecommunications Union (ITU). By its Radio Communication Sector, it is given the mandate of “ensuring the rational, equitable, efficient and economical use of the radio-frequency spectrum by all radio services.” This Sector develops and adopts the “Radio Regulations” that are a binding treaty governing the use of the radio spectrum. As a general policy under the Constitution of the ITU, it does not approve of any form
of harmful interference with the radio services of another member state. In such circumstances, the jamming of communications of any member state will have to be set out and explained before the ITU, and the requisite clearances will have to be obtained. Though such clearance militates against the mandate of the ITU, it may be seen to be in consonance with the purpose of the ITU under its Constitution when it is required for the jamming of communications used to coordinate genocide.

Radio jamming is a form of negative media intervention. It is defined as "the deliberate emission of electromagnetic (EM) radiation to reduce or prevent hostile use of a portion of the EM spectrum." Jamming can replace an offensive signal with a disrupting one, causing simply noise, or an overriding one, resulting in a different broadcast.

Jamming can be carried out from the ground or from the air. When it is done on the ground, it requires the cooperation of the local authorities of the country or of a neighboring country, a strong power source to run the equipment, and possibly armed troops to guard the equipment. In contrast, jamming from the air, though more practical, is also more expensive. It involves the deployment of an aircraft in the airspace of the nation in question which would put out signals that would jam the broadcasts.

Along with the jamming of incendiary broadcasts, another effective measure is the positive media intervention that broadcasts messages of peace and reconciliation and counters the misinformation spread by the jammed broadcasts. This can be done by using the same equipment to emit overriding signals. However, this kind of intervention is even more dependent on local cooperation and financial considerations.

One more method of eliminating radio broadcasts, used by the NATO forces in Bosnia, is the complete switching off of broadcasts by either seizing or destroying the transmitters of organizations that indulge in hate-mongering. However, implementing this strategy would require a strong presence of the invading state on the ground. Such intervention can also be avoided if the broadcaster uses mobile transmitters.

III. THE LEGALITY OF JAMMING COMMUNICATIONS IN INTERNATIONAL LAW

Jamming communications in international law runs afoul of two main concepts. The first is the fact that Western nations, and the USA in particular, have consistently supported and promoted freedom of speech and information in international exchanges and taken stands against any form of censorship or media restrictions.

The second problem relates to the issue of state sovereignty, which is a fundamental principle of international law, recognized under Article 2(7) of
the Charter of the United Nations. Generally, no state would have the right to jam communications emanating from and circulating within the internal boundaries of another state, as such interference would amount to meddling with the internal affairs of that country. This section attempts to counter both of these arguments.

A. Freedom of Speech and Information in International Law

The hate speech problem was first encountered at the Nuremberg Trials of Major German War Criminals. Two significant trials on the issue were those of an editor, Julius Streicher, and of the Head of the Radio Division of the Propaganda Ministry, Hans Fritzsche. Streicher ran an anti-Jewish tabloid called Der Stürmer and in its columns provoked hatred against the Jews and called for their extermination. He was an independent operator and formed no part of the government machine.

In an often-criticized decision, Streicher was found guilty of, and hanged for, War Crimes and Crimes against Humanity. The crux of the decision was the presence of inciting words as well as their actual physical realization. This was in spite of the fact that Streicher was a private actor and at that time, international law required that to be punishable, crimes against humanity had to be carried out by state actors as a part of consistent state policy of discrimination or persecution.

In contrast, Fritzsche was acquitted, even though he had made several anti-Semitic broadcasts and was a part of the Nazi government machinery. The Tribunal found no explicit calls for the extermination of Jews in his speeches and was not prepared to hold that his speeches incited atrocities against the Jew. All that they did was support Hitler and arouse German sentiment in support of the war effort, making him a conduit, rather than a liable participant.

The law that emerged out of the Nuremberg decisions was that there had to be a direct causal link between the inciting speech and the resultant violence. An issue that it did not address, however, was that of pre-emptive action, when a speech is made and the resultant action ought to be prevented.

The Cold War began soon after the Nuremberg Trials and all through its term, the US and the Soviet Union took opposite sides of the divide between the absolute free flow of information on one hand, and censorship and restrictions on the other. The US feared, in most cases, that any concession it made on the absolute free flow standard would be used by the USSR and its allies to block US broadcasts into their territory. In contrast, the USSR favored giving greater powers to the state to regulate the information that was broadcasted within its territory. A manifestation of this
position was the fact that the Communist bloc routinely favored strong incitement provisions in human rights treaties, while the US supported resolutions in international bodies in the 1950s that proscribed jamming of signals as an impermissible invasion into the freedom of information.

However, in spite of this conflict, the human rights treaties made in this era had provisions prohibiting incitement in some form or the other. The Genocide Convention, 1948, makes “direct and public incitement” to genocide a crime; Article 7 of the Universal Declaration of Human Rights has been read as including a prohibition on incitement even though Article 19 of the same provides for freedom of speech and expression; similarly, though Article 19 of the International Covenant on Civil and Political Rights provides for the freedom, it is restricted by Article 20(2) of the same by providing “any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”; and finally, Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination disallows incitement to racial hatred.

In balance to this body of law is the right to freedom of expression under both the ICCPR and UDHR. Several Western countries, notably the USA, strongly favor this freedom and did their utmost to curtail its restriction in international fora. Further, there is a general trend in international radio and telecommunications law that does not look favorably upon the jamming of communication signals. Every resolution of the International Telecommunications Union since 1947 has expressly prohibited jamming by stating that radio broadcasts from one country cannot result in harmful interference to the broadcasts of other members. Radio jamming has also been condemned by such organs of the UN as the United Nations Economic and Social Council’s Sub-Commission on Freedom of Information and the Press, the Economic and Social Council itself, and the UN General Assembly.

It must, however, be noted that this body of law too developed as a part of the US offensive against the USSR, as at this point, the USSR had been resorting to the jamming of unwanted transmissions from Western countries to its populations. The issue thus related to a sovereign nation’s right to regulate the information that reached its country from outside. In modern civilian armed conflicts, the issue is that of broadcasts emanating from within the country received by the citizens of that country within its borders.

It must be noted here that the prevention of genocide has been recognized as a *jus cogens* norm in international law, and no derogation from it is possible. A *jus cogens* norm prevails over all others. This means that if a sovereign nation jams broadcasts to its people on its territory to prevent a
genocide, it is not in violation of any treaty or other obligations under international law.

Further, prevention of genocide has also been recognized as an obligation erga omnes.\(^{50}\) This means that every member of the international community is under an obligation to prevent genocide. By resultant implication, if other countries were to jam radio broadcasts when genocide is apprehended, they would not fall afoul of the lesser obligations under the international human rights conventions or international telecommunication law.

Weighing these two in balance, it is clear that the duty to jam broadcasts to prevent genocide would prevail over that to protect free dissemination of information.

Concurrently, “direct and public incitement to commit genocide” is also made punishable by the Genocide Convention.\(^ {51}\) The issue of whether there must be a causal link between the genocide and the incitement in question has hitherto been a theoretical one, as prosecutions have taken place only in the aftermath of the genocide. However, J. Wallenstein, after a survey of international and regional conventions, national laws and jurisprudence of international courts, has concluded that there is no requirement of causation in the prosecution of incitement to genocide.\(^ {52}\) This was supported in the \textit{Akayesu}\(^ {53}\) judgment of the ICTR. In this case, the Chamber held that the offense of incitement to genocide can be deemed consummated irrespective of the result achieved by the speaker’s expression. This was because genocide clearly fell within the category of crimes that are so serious that direct and public incitement to commit it must be punished as such, even when such incitement failed to produce the result expected by the perpetrator.\(^ {54}\)

Criminologically analyzed, the \textit{actus reus} of the offense is that the actor must publicly provoke the perpetrator to commit “genocide.” Genocide is defined in Article 2 of the Genocide Convention as follows:

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;
(b) Causing serious bodily or mental harm to members of the group;
(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) Imposing measures intended to prevent births within the group;
(e) Forcibly transferring children of the group to another group.

The \textit{mens rea} element of the offense is the specific intent to commit genocide—for example, the specific intent to eradicate persons of a given
nationality, ethnicity, race, or religion. This specific intent may be inferred if the speech deliberately and systematically targets a certain group.\textsuperscript{55}

The absoluteness of freedom of expression as envisaged in developed countries must necessarily yield to a lesser standard in international law, given that the manner in which the media operate in these countries is very different from the manner in which it operates in developing countries, where democracy and rule of law are weak. For example, in Rwanda, the RTLM had very strong backing from the state.\textsuperscript{56} This meant that it had a wider reach and audience, making an effective and equal counterspeech hard to find. In most African societies, the pace of technological development is much faster than that of societal development, leading to unsteady and imbalanced national frameworks for the exercise of the freedom of expression.\textsuperscript{57}

B. State Sovereignty

The issue of state sovereignty with regard to radio broadcasts has also divided the West and the Communist bloc. In general, the West supported the practice of the free flow of information, while the Communists, fearing US propaganda, supported a “prior consent” doctrine in which each individual state had the sovereign right to determine which broadcasts would be aired on its territory and which would be jammed.\textsuperscript{58} The rationale of the former was that of non-interference and of the national sovereignty of each nation to develop and control its land and air boundaries and sustain its own cultural and social systems.\textsuperscript{59} This divide would be best illustrated by the international controversy caused by the broadcast of Radio Marti into Cuba by the US and the subsequent jamming of signals by Cuba.\textsuperscript{60}

Again, when this body of law is seen in the light of an internal armed conflict like the Rwandan situation, it falls completely out of context. The state sovereignty issue in Rwanda is related to whether any member of the international community or the international community acting as a whole could infringe on Rwanda’s sovereignty to jam its territory radio broadcasts which were being broadcasted with either the consent or the acquiescence of the government.

The suggestion is that such interference would be warranted, especially due to the development of the practice of “humanitarian intervention.” This doctrine carves an exception which allows infringement on the otherwise established acceptance of state sovereignty to stop large-scale human rights violations.\textsuperscript{61} Most humanitarian interventions are carried out under the aegis of the Security Council of the UN by virtue of its authority under Chapter VII of the UN Charter.

Yet there are some problems with humanitarian intervention in cases
like that of Rwanda in 1994. Foremost is the fact that the boundaries of the doctrine have not yet been clearly defined. Hence, when a state intervenes for humanitarian reasons in the affairs of another, it may have to justify its actions in international fora. However, once the conduct of the offending state is defined as genocide, humanitarian intervention is both justified and warranted.

The situation in Rwanda, however, was again anomalous. Here, what needed to be prevented was the “incitement to genocide” before the genocide itself occurred. International practice, in general, has not seen any interventions to prevent genocide before it occurs. Such practice is in fact viewed with suspicion due to its potential for abuse. In the words of one writer, “By only alleging the possibility or imminence of massacre, the intervening state does not have a substantial basis for invasion.”

Also in cases of a genocide that has not happened, there is reluctance on the part of other states to incur the monetary and military costs of intervention. This is illustrated by the fact that the US government, which would have been in a position to intervene in Rwanda, consciously refrained from characterizing the events of 1994 as “genocide,” as doing so would have invoked obligations under the Genocide Convention. Even in the Security Council, the phrase “systematic, widespread and flagrant violations of international humanitarian law” instead of “genocide” was used in a resolution in May of 1994.

The international community also needs to find a threshold standard beyond which the justifications for free speech would fall and incitement to genocide would commence. Though there is no such concrete standard in existence, one can discern some parameters for it by reference to the content and context of the speech. In *Kupreskic*, the Tribunal used the concept of incitement on “discriminatory grounds.” Hence, the verbal attack must be made on national, ethnic, racial, or religious grounds. The discriminatory intent is what sets genocide apart from other mass mayhem, as in a genocide the target group is specifically identified and the massacres are discriminatorily directed in order to advance a common goal. Further, the incitement must be a public act or a call to the public at large or made in a public place.

More importantly, the ICTR has held that the provocation in question should be determined in light of the linguistic and cultural context of the country and of the audience. This should be enough to protect free speech in Western democracies, where free speech is countered by opposing free speech. In contrast, in several developing countries, the media is state-controlled, and opposing voices have neither the resources nor the power to be heard. This makes hate speech a particularly dangerous phenomenon. When such state-supported hate speech is backed by discriminatory content and
promotes the killing or dismemberment of an ethnic group within the state, it would clearly constitute incitement to genocide. Additionally, most such situations occur in times and places where the minorities have already been oppressed or denied rights, and in even worse cases, where massacres of minorities have already started. Hence, any international body that decides to act against hate speech in a particular country must take into consideration the past history of the country, the situation at the time of the action, and the particular cultural context of the state.

The important questions that seem to be required to be answered before deciding that there is a case of incitement to genocide are those of the power backing the broadcasting authority; the extent of control or power it has over the group being targeted; and the extent of free speech protection in the country—whether contrary voices have space and resources to be heard and the past treatment of the targeted group in the country. In most international situations, these would have been covered in resolutions by bodies like the General Assembly, the Human Rights Committee, the Security Council, or some other treaty-based body.

Given these circumstances, it is difficult to expect states to act unilaterally and jam broadcasts to prevent incitement to genocide. It is therefore necessary to set up a multilateral framework, preferably under the United Nations, to facilitate such measures. A worthy example is the measures toward media intervention taken by the forces of the North Atlantic Treaty Organisation in their operations in Bosnia, to ensure successful implementation of the Dayton Accords.71

IV. Options and Solutions

The above sections have established that the jamming of offensive media signals is legal in terms of international law and also that there is technology available to effect such jamming. This section seeks to identify legal frameworks in which the existing media technology can be used to prevent occurrences such as those in Rwanda. The main problems that such frameworks must address are those of arbitrariness of the action, timeliness, financial consideration, and ensuring willingness on the part of other countries to supply the resources for such an action.

A. Prevention

A recommended action, even before radio jamming, is that of preventive media intervention. According to one report, in Rwanda, this should have been done by “promoting pluralism in privately-owned media and supporting attempted reform of the state broadcasting system as a means of
marginalizing extremist propaganda and developing the middle ground. The idea is that more speech can counter hate speech. The absence of a strong voice of opposition was one of the reasons for the popularity of RTLM. Western nations, which have long been broadcasting information across sovereign borders, could easily have harnessed their resources to project impartial news to Rwanda.

After the Rwandan genocide, such measures were successfully adopted to broadcast messages of peace in sensitive areas. For example, UN radio stations were used to provide impartial and reliable information to counter propaganda in Cambodia, Namibia, and eastern Slovenia. In Liberia, Burundi, and Bosnia, non-governmental organizations organized broadcasts that brought together leaders from opposite sides of the conflict, thus ensuring a discussion of contentious issues and evolution of strategies to resolve them.

However, in countries that are already in conflict, such impartial broadcasts are not easy to organize, given that the voices of the opposition are already stifled. Also, there exists an anomalous situation in which there is a government-controlled licensing regimen which must be followed to obtain permission to broadcast, and much of the propaganda is sponsored or supported by the government. Also, the effect and reach of such broadcasts may not be enough to counter other misinformation that reaches the population in times of conflict.

B. Measures by the Security Council

Chapter VII of the Charter of the United Nations allows the United Nations to interfere with the domestic matters of the state under the authority of the Security Council when there is a threat to international peace and security. For actions under this Chapter, wide discretion is given to the Security Council to determine what situations would constitute a threat to the peace, breach of the peace, or act of aggression, and also to determine what action would be appropriate in the circumstances. Such a determination is final and discretionary and is not reviewable by any other organ of the UN. The only requirement is that it should be consistent with the principles and purposes of the UN Charter.

Traditionally, this power of the Security Council was generally confined to actions in international armed conflicts. However, after the Cold War, its use has been extended to the intervention even in internal armed conflicts in which violations of humanitarian law have taken place. For example, the repression of Kurds in Iraq and ethnic cleansing in Bosnia were considered threats to international peace. The idea is that such inci-
dents have sufficient transboundary effects, thus internationalizing them and making them liable to the intervention of the Security Council.81

Under Article 41 of the UN Charter, the Security Council has the power to call upon member states to take measures not involving the use of force in the interests of maintaining international peace and security. It states that these can include “complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication.”82

This Article must be distinguished from Article 42 of the UN Charter, which allows for collective use of force under Security Council authorization. When the action involved is radio jamming, it would clearly be within the parameters of Article 41. Given the current reluctance of nations to get into unnecessary armed invasions in foreign countries, such a measure under Article 41 would be a viable alternative.

There are, however, the traditional issues that are involved with any action under the aegis of the Security Council. First of all, it is necessary to have a consensus from the five permanent members and an agreement that they will not exercise their veto power. In the Cold War years, such a consensus was nearly impossible to achieve, and even in recent times, it has not been very easily forthcoming.83 For example, neither the NATO intervention in the former Yugoslavia84 nor the current war against Iraq85 has received the approval of the Security Council, though the leaders of the coalition forces in both cases tried their best to pass their actions through as humanitarian interventions.86

This issue is also closely linked with the fact that many member states will be reluctant to join in a humanitarian intervention to restrict speech on the grounds of differing standards concerning what are considered acceptable restrictions on the right to free speech.87 This issue is complicated even in domestic jurisdictions, and most democracies that allow this right have had much domestic litigation around it.88 The problem becomes even more complex in the Security Council, where the USA, the nation with perhaps the strongest free speech presumptions, is a permanent member with veto power and looks with suspicion on any international action to restrain free speech. One author has suggested that the US standard, being a common minimum, highly liberal standard, be accepted as a benchmark by the Security Council.89 However, this measure clearly would not be acceptable to most other nations.

Finally, even if such an action were passed by the Security Council, the Council would then have to gather the equipment, technology, and personnel to carry out the jamming operation. Much of this is very costly and available in only a few countries.90 For example, the USA is one of the only countries that can jam broadcasts from the air, and this is done by means of
a $70-million plane with a fuselage filled with high-tech electronic equip-
ment requiring an eleven-person crew.\textsuperscript{91} The operation would also require intelligence from on the ground as to the nature of the broadcasts and the kind of counterinformation required to be aired in. After this, to make the action completely legal in terms of international law, the requisite clear-
ances would have to be gotten from the ITU to jam particular frequencies. When the situation is an emergency and requires rapid action, all this may take too long and lose its effectiveness. The operation would also depend a lot on the will of the state supplying the equipment.

C. An “Information Intervention Unit” under the UN

As noted above, the idea of “information intervention” was first coined by J.F. Metzl. In his model, an independent information intervention unit would be set up under the United Nations, with three main responsibili-
ties—monitoring, broadcasting peace, and jamming radio and television broadcasts as a last-attempt measure.\textsuperscript{92}

The advantage of setting up such an independent unit is that it may effectively do away with the disadvantages of action under the Security Council.

Foremost, the Unit should be politically independent, and its decisions should be made either by a Committee of Legal Experts, or by an indepen-
dent officer of the UN whose functions will be analogous to those of the Prosecutor in the International Criminal Court.\textsuperscript{93} The Unit must be given standing authority by the Security Council to act in situations in which its intervention is required. The mechanism of Reverse Consensus as evolved in the operations of the World Trade Organization\textsuperscript{94} would be a possible check on the powers of the Unit. By a modified application of this mecha-
nism, the Unit would normally have the powers to act in situations it deems fit, and if any permanent member of the Security Council wishes to restrict its powers, it can exercise its veto to do so. This is in contrast to the normal procedure, in which the votes of the Security Council members are required to enable an action and not to stop it.

The other problem of gathering equipment after the emergency has arisen will also be resolved by ensuring that being a standing Unit, it has the equipment at its disposal from the outset, procured from the funds of the UN and independent of the will of any donor country. The monitoring func-
tion of the Unit will require that it be on the alert even before the occasion to act has arisen. For this, it must be given access to the major radio translation services, communications from embassies and UN offices in troubled regions, and reports from NGOs in those regions.\textsuperscript{95} In places where such information is not available, the Unit must be provided access to satellite-
and airplane-based listening equipment. Further, the peace broadcasting function of such a Unit will require that it be provided sufficient translation personnel and equipment to relay information even to areas where the state is acting in a hostile manner.

According to Metzl, jamming should be a measure of last resort. However, given the nature and complexity of such an operation, it would be the one requiring the most attention by the Unit. The Unit must first of all have all the requisite clearances from the ITU for blocking of particular frequencies. Other technical expertise of the ITU will also be of much use to the Unit to ensure that no other neighboring frequencies are interfered with.

If the jamming is to take place from the air, the Unit should be provided with the latest flying machines and electronic technology. It should also have some fighter planes to escort the jamming aircraft and protect it from hostile attacks of the combatants on the ground. If the jamming is to be implemented from the ground, it should be executed as a UN operation, by UN blue beret soldiers, who are generally not targeted by combatants in a civil war. Also, the UN should make available to the Unit all its ground facilities, ranging from electric power and premises to the diplomatic ties it may have with local NGOs in the troubled area.

As a final measure to allay the fears of arbitrary action, this Unit must be made judicially accountable to some international legal authority. Currently, the most preferred such authority would be the International Court of Justice (ICJ). For this, it is necessary that the Information Intervention Unit be recognized as an international organization under the UN, giving it international legal personality. This would mean that at minimum it is bound by customary international law and general principles of international law as under Article 38 of the Statute of the ICJ. This international legal personality would mean that the Unit could seek Advisory Opinions from the ICJ and be bound by its decisions. The body of law thus developed would be of great help in identifying norms and standards for the Unit to observe in its operations.

In internal armed conflicts, the Unit would take care of all aspects of the virulence of such broadcasts–by identifying it early to prevent it from reaching too many people, countering it with unbiased, neutral information, and finally, stopping signals that seem to be causing too deleterious an effect on the population. The providing of unbiased and neutral information comes from the ideal that hate speech must be countered by equally powerful, yet opposing free speech. A report from the NGO Article 19 recommends that in situations in which internal armed conflicts are being fomented by media reports, “the international community should encourage radio stations and other media which promotes tolerance and a variety of viewpoints, whether these broadcast from within the country or from
outside in vernacular languages.” In Bosnia, the NATO forces attempted to do this by issuing a set of rules and regulations the media was expected to follow that included “providing true and accurate information” and “refraining from broadcasting incendiary programming,” and the three television systems controlled by the ruling parties in Bosnia were made to provide opposition political parties with the same amount of advertising time as the ruling nationalist parties.

Hence, the essence of providing neutral information is that facts should be reported accurately and incendiary material must be omitted. It is well known that in several conflict situations, figures on the progress of the campaign of the broadcaster are routinely fudged in a bid to goad the populace into action. Similarly, the perceived enemy is credited with causing all sorts of evil plaguing the state, in a bid to justify the actions of the state. While these actions may be acceptable in international armed conflicts, their effect in internal armed conflicts is clearly much worse, as the enemy is both within the country and accessible to the recipient of the broadcast. It is hence important that figures of casualties, areas of operation, and danger zones be accurately broadcasted. Voices of the opposition also need to be given space, and those of activists and NGOs concerned with promoting peace and amity, such as the UNESCO or Amnesty International, need to be advanced. All this would be impossible with media that is within the control of the aggressor government.

V. Conclusions

This article started out by noting that technology is available to jam hate radio broadcasts and prevent incitement to genocide. The failure of the international community lies in the absence of a framework to use such technology to prevent massive violations of human rights.

In December of 2003, the Trial Chamber of the International Criminal Tribunal for Rwanda (ICTR) found three media leaders in Rwanda guilty of genocide, incitement to genocide, and crimes against humanity (extermination and persecution). They included Ferdinand Nahimana, the founder and principal ideologist of RTLM, and Jean-Bosco Barayagwiza, executive and second in command at RTLM. After the Streicher and Fritzche trials at Nuremberg, this was the first “Hate Speech” trial in international adjudication. Part of its novelty lay in the fact that the defendants were not held liable for what they said, but for the effect that their words had on other people. Importantly, the Tribunal firmly delinked incitement to genocide from the actual occurrence of the genocide, though it found that actual occurrence would be significant evidence of the genocidal intent.

The decision also made a detailed legal analysis of the crime of direct
and public incitement to genocide. The Tribunal discussed cases from jurisprudence under the ICCPR and the European Convention on Human Rights and isolated four criteria through which speech about race or ethnicity could be analyzed as either legitimate expression or criminal advocacy. The first is the purpose of the speech—for example, race-related speech for purposes of research may be legitimate, but explicit calls to violence would clearly be illegitimate. The second consideration is the text of the speech—this would help in finding the object of the speech. The third requirement is that the context of the speech must be considered. This would involve taking into account factors extraneous to the text to understand the significance of the speech. Finally, the examiner must note the relationship between the speaker and the subject. It found that speech aligned with state power rather than in opposition to it deserved less protection to ensure that minorities without equal means of defense are not endangered.

The guidelines laid out in this decision may be used as markers in the future to determine what speech is actionable and what speech calls for immediate suppression.

Though the decision came in for criticism from some quarters for its effect on freedom of speech, it finally marked recognition of the fact that hate speech inciting genocide is as serious and actionable as genocide. Since prevention of genocide is an obligation erga omnes, incitement to genocide, now considered a part of genocide, would also be an obligation flowing to all, putting all states under an obligation to prevent it.

This decision bodes well for the idea of setting up an Information Intervention Unit, by lending radio jamming measures a certain amount of legality. The available information technology can thus be harnessed to protect human rights, by identifying incendiary broadcasts, jamming them, and replacing them with peaceful ones.

However, the scope of this article was confined to issues arising from radio broadcasts, an issue more relevant to developing countries in which the chief medium of public entertainment and communication is the radio. In the rapidly advancing world of information technology, much bigger threats are posed by communication media like the Internet and television. Given their potential for spreading abuse and misinformation, censorship and regulation of these media is an issue that needs to be addressed by international law on a war footing.
NOTES

5. Ibid., 629, noting that the media and nongovernmental organizations had appealed to the United States and other governments to jam the broadcasts.
7. Ibid., 74.
9. Id.
13. Id. Annex para. 1001 defines “harmful interference” as “Interference which endangers the functioning of . . . seriously degrades, obstructs or repeatedly interrupts a radio communication service operating in accordance with the Radio Regulations.”
14. Id. Article 45 [197 1.] “All stations, whatever their purpose, must be established and operated in such a manner as not to cause harmful interference to the radio services or communications of other Members or of recognized operating agencies, or of other duly authorized operating agencies which carry on a radio service, and which operate in accordance with the provisions of the Radio Regulations.”
15. Id. Article 1 “The purposes of the Union are . . . [7 (e)] to promote the use of telecommunication services with the objective of facilitating peaceful relations.”
17. Id. noting the two technologies of jamming—“Spot jamming” involves jamming just one frequency, and it can be escaped if the broadcaster changes his frequency. “Barrage jamming,” though involving more expensive and bulkier equipment, involves the jamming of a whole range of frequencies, thus targeting a number of transmitters.
20. Id.
21. Id.
22. Id.
23. Supra note 4, 632, noting that in mid-April, the Tutsi-led Rwandese Patriotic Front
shelled the transmitters of RTLM but within a few hours, RTLM began broadcasting from a mobile transmitter and continued doing so till July.


26. Supra note 4 at 636.

27. Supra note 2, 707-21.


29. Supra note 2, 715, noting the Prosecution’s submission: “Without Streicher and his propaganda, the Kaltenbrunners, the Himmlers, the General Troops would have had nobody to do their orders.”


31. Supra note 4, 637.

32. Supra note 4, 638-40.

33. Id.

34. See generally, UN GAOR, 6th Comm., 3rd Sess., 87th mtg., at 253 (1948) noting the rejection of a Soviet proposal to define “incitement” in the Genocide Convention in the broadest possible terms.

35. For example, GA Res. 424 (V), UN GAOR, 5th Sess., Supp. No. 20, UN Doc. A/1775 (1950), sponsored by the US, that proclaimed radio jamming “constitutes a violation of the accepted principles of freedom of information.”


41. Article 19(2), ICCPR reads: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

42. Article 19, UDHR reads: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”


45. Supra note 4, 639.

47. Supra note 43, 565.
49. Article 53, Vienna Convention on the Law of Treaties, 1155 UNTS 331: “A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.”
53. Prosecutor v. Akayesu, Int’l Crim. Trib. for Rwanda, Case No. ICTR-96-4-T.
54. Id. at paras. 61-62.
55. Supra note 52, 394-5.
56. Supra note 4 at 630.
58. Supra note 4, 643.
59. Ibid., 642.
65. See supra note 4, 629, noting the impact of the death of eighteen US soldiers in humanitarian intervention in Somalia at around that time, as an important reason for the reluctance of the US to interfere in the affairs of distant African countries.
67. SC Res. 918 (May 17, 1994).
68. Prosecutor v. Kupreskic, Int’l Crim. Trib. for Yugoslavia, Case No. IT-95-16-T.
69. Supra note 52, 395.
70. Supra note 53 at paras. 557-8.
71. See supra note 6.
2006/07] GENOCIDE ON THE AIRWAVES


73. Supra note 8, 17.
74. Id.
75. Supra note 18, 131.
77. Article 39, UN Charter.
80. King supra note 78, 518.
81. Wippman supra note 78, 563-4.
82. Article 41, UN Charter.
87. See supra note 24.
89. Supra note 18, 126.
90. Ibid., 116, noting Australia, England, Germany, Italy and Israel have some level of jamming capability from the ground.
91. Id.
92. See supra note 8.
95. Supra note 8, 16.
96. Ibid., 19.
97. Ibid., 18.
98. Supra note 72, 109.
99. Supra note 6, 7.
106. Supra note 102 at 1001.
107. Id.
108. Id.
109. Ibid., 1008.
INTERVIEW

Shining the Spotlight on Injustice: 
An Interview with Morris Dees

Joanie Eppinga

Morris Dees, a well-known human rights crusader and lawyer who has brought successful suits against the Ku Klux Klan, the White Aryan Resistance, and the Aryan Nations, among others, is a founder of the Southern Poverty Law Center. The Center has a commitment to racial equality, which it enacts through legal action, tolerance education programs, and the monitoring of hate groups. Dees spoke with our editor on November 14, 2006.

JHS: What is your response to those who say it’s better to not give any energy to those who espouse racist or otherwise negative viewpoints?

DEES: First of all, I’d say that if you have individuals that are espousing hateful messages in a community, then it’s important to shine the spotlight on them so people can understand what they’re doing. To ignore them would be like ignoring a cancer, because it can grow. People ignored Adolf Hitler and his little gang as they had their little parties in beer gardens around Munich, figuring that they’d just go away. I’m not saying that’s what would happen today in America if some hate group in Coeur d’Alene, Idaho was left simmering in the quiet of the woods without anybody ever knowing about it. But we cannot take the chance. It’s important to expose not only that hate groups exist, but also the fallacies of the ideas they espouse.

JHS: What do you say to people who claim that when you fight against these people, you’re not helping because you’re just adding to the conflict?

DEES: I think that’s a rather naïve attitude about how you deal with people who would kill people, harm people, plant bias and prejudice the minds of children to hate people based on their gender, sexual orientation, ethnicity and color. If you say we “fight back” as if we take our gloves off and meet them with fists in the street, this would be incorrect. If fighting back means you tell the truth about what they’re saying—that Jews are not evil, that they’re not trying to subvert the Aryan race, or that black people are just as competent as white people intelligence-wise, all the issues—if you give the other side of the issue that these people are presenting in a hateful way, then that is not a wrong thing to do. Most of these hate groups don’t deal with
the truth; they couldn’t care less about the truth. If you look at their material, 95% of what they say—of what most demagogues say—it’s a total lie. Their hateful material is just a click away on the web for any child. Also, our taking them to court for hurting people and then putting them out of the hate business with massive judgments is using the American justice system in the best way possible.

JHS: Are children the main focus of your efforts?

DEES: No. I think that people in general—those who are the victims of hate—gays, lesbians, people of color, people of different ethnicities, immigrants, et cetera—are our focus. We know that people from 14-25 years old commit most hate crimes. And I think the reason they commit these crimes is that many young people are exposed to extreme violence and prejudice. They usually learn it first in their families, and then from their contemporaries. Many of them are lonely kids who are seeking out people who are like themselves. And that’s why they get on the Internet looking for others who share the same views. It’s a virtual hate group. These kids might not be able to find a Klan or a neo-Nazi group and wouldn’t want to be caught in one of those meetings. But in the anonymity of their own bedrooms, they can click on the Internet—there are six or seven hundred hate websites — and start finding a community of like-minded young people. A kid in Idaho can talk to a kid in Texas, to one in New York, to another in Alabama, and find they have things in common. They begin e-mailing. They send text messages. And sooner or later, you’re going to have a Timothy McVeigh emerge thinking, “Unless I take some action, America’s going to go to hell in a handbasket.” And that’s the result of the teachings of hate. I guess you’d say that Timothy McVeigh is a great example of what can go awry when you have an exchange of hateful ideas with little effective counterpoint.

JHS: What do you see as being the future of hate in America?

DEES: In America, as in most countries in the world, we live in a community of “us” and “them.” The “us” and “them” change from time to time. When the Irish came to the United States, they were white, like the 17 million or so people that lived here other than the slaves. When they came in the 1840s, several million during a few years, they were universally hated because they were culturally different from the British that had settled this country. They spoke a different language, not the King’s English. They competed for jobs. They were accused of being drunks and criminals. There were signs that said “No Irish person should apply for this job.” There were lynchings of Irish workers during that massive migration. That might be hard for people to understand today. It took 110 years from the
time John F. Kennedy’s grandfather, Patrick Kennedy, came to the country, until JFK was elected president.

Today people hate Latinos, and the same basic argument is used against them that was used against the Irish. They’re a much smaller percentage of the population today than the Irish immigrants were. They speak a different language, they’re competing for jobs, the President is talking about building a 700-mile fence, he’s calling the National Guard out, they are being gouged when they try to rent apartments, yet their labor is needed to keep the American economy going. Same hate—different “us” and “them.” I predict that we will elect an American of Latino descent president one day.

You’re always going to have biases and prejudices. I wouldn’t want to use the word hate, but you’re always going to have biases and prejudice when those who they see may take away that privilege and power threaten those who have some privilege or power. Hopefully, as time progresses we will move along a continuum of more love, respect, acceptance, and tolerance. That’s why we have our Teaching Tolerance program. We think it’s important to teach tolerance and acceptance as well as fighting hate in court.

JHS: Do you see the classroom as the most effective place to teach tolerance?

DEES: I don’t think there is a most effective way to deal with biases and prejudices. I think there are many ways. Clearly the best place would be in the home, where many young people are engrained with biases and prejudices from their parents, playmates, and siblings. It’s hard for us to reach that audience; it’s so massive. There are ways that this can be done—through churches, synagogues, mosques, and community leaders. The place that we’ve chosen to deal with this issue is K-12 and college. There’s no universal fix.

It’s much like the campaign to keep highways litter-free that was launched 35 or 40 years ago, with the ad of an Indian standing by the road with a tear coming out of his eye when trash thrown out of a passing car landed against his feet. It took a while to clean up the rubbish on America’s highways. They’re not perfectly clean today, but fewer people throw things out the window now. Today a young person might put it in a sack and throw it in a trashcan. A long-term program of teaching tolerance may take years. When you have tolerance taught from the President of the United States down to the local level through business and church leaders, schools, colleges, and other places, then I think we’ll clean up some of this hate along the byways of this country.

JHS: What keeps you passionate about this cause?
DEES: When I was a small boy, we stood out in front of our little country school and recited the pledge of allegiance. The line that I remember so well was, “One nation, with liberty and justice for all.” And that’s what we’re really dealing with, this question of justice and fairness. Our nation will not last unless we’re fair to all our people and give all our people an equal opportunity. We may make some short-term gains, but when you have a major class division along lines of wealth—people on one side who have money, power and connection and those on the other who struggle to decide whether they’re going to take a needed medicine or eat because drugs are so expensive—then you’ve got a serious issue. The thing that drives us at the Center, and me personally, is the individuals we help, like the Latino Katrina cleanup workers in New Orleans who were cheated out of their wages by a company that was gouging the federal government for millions. Not paying their employees the legal wage. Cheating them. Not giving promised food or housing. Our clients were literally starving while these corporations reaped millions in government grants. We sued and collected hundred of thousands of dollars for these poor hard-working migrants. That’s the reward that we get.

JHS: Do you see people’s mindsets being changed in the context of that sort of lawsuit?

DEES: Well, we don’t file these lawsuits to change mindsets. We represent individuals, our clients. But I do think that we clearly do change people’s minds. First of all, the people we file suit against are dealt with respectfully, given an opportunity to see what they’ve done wrong and settled if possible. Our goal is not to drag somebody into court and beat them to the ground. Hopefully, we educate the larger community—the judges and the lawyers on the other side especially. It’s also important that we educate those whose rights are being violated. It empowers people. Nothing in this country is feared more by those who abuse power than a poor person with a lawyer.

JHS: The Aryan Nations are gone from the Pacific Northwest. But what if bringing suit and bankrupting them just renewed their resolve? Some people suspect that they’re carrying on their activities elsewhere with renewed fervor and a greater desire for vengeance.

DEES: Here again, that’s a rather shortsighted view. That would mean that we should just leave them right here and let them bring the Aryan brotherhood and racist ex-cons to Coeur d’Alene, and let them rob banks and kill people. “That’s okay, we’d rather leave them here because if you try to stop them here, you’ll just make them move somewhere else.” That attitude shows a lack of knowledge about what’s really going on.

The Aryan Nations today is a mere shadow of its former self. Our
lawsuit bankrupted the group and took their property. Two guys and a post office box can form another group and call it the Aryan Nations, and that’s about all they’ve done. They have a small group in Alabama and one in Pennsylvania. They may claim they’re the Aryan Nations, but there’s little left. We know everything they’re doing. They might hold a so-called Aryan conference and you might have 100 nuts drop by during the weekend. We monitor these people closely. The so-called Aryan Nations today certainly bears watching, but there’s nothing to it. When they tried to move to Pennsylvania, the people just laughed at them and the community rallied. The Aryan Nations isn’t much of a threat in this country today. Clearly you can’t cut their tongues out or give them frontal lobotomies to stop them from hating. They can set up another group. But if the new group encourages violence that results in people being hurt, then we can move against them. In America you have the right to hate, but you don’t have the right to cross that line and hurt people.
FILM REVIEW

Obsesssion: Radical Islam’s
War against the West
and
Shi’ism: Waiting for the Hidden Imam

Steven K. Baum

There are two important films to see, and neither is coming to the Cineplex. The reason the films will not be coming is that documentaries on the ideological underpinnings of terror have never had the kind of box office draw of a Stephen King film, though the filmgoer is left with the same sensations of having witnessed horror in the making.

The first film, *Obsession: Radical Islam’s War against the West* (2006, 77 minutes), is an expose from Honestreporting, the Israeli hate monitoring group. As the subtitle says, it is a film about radical Islam’s threat to Western civilization. The documentary-style video features interviews with a variety of experts on the topic of terrorism, including MEMRI’s Daniel Pipes, anti-Semitism expert Robert Wistrich, and historian Sir Martin Gilbert, in addition to talks with former PLO terrorists, children of jihadis and former Hitler youth, and pro-Western Islam experts such as Khaleel Mohammed. Those familiar with Daniel Pipe’s writings and webpage will understand why he and similar monitoring groups have been trying to warn the West for decades.

The film begins with the horror of 9/11 and the destruction of the World Trade Center before swirling the viewer to Beslan’s aftermath of Russian schoolchildren blown apart, and then on to the devastation of Spain’s train explosions and the London subway bombings. The effect works. One no longer is simply being exposed to the seemingly random disconnected tales of terror, but understands the global jihad that has left misery in its wake.

Unique footage from Arab television documents interviews with clerics. It also reveals children being taught to hate Jews, Americans, and British citizens. The film draws legitimate parallels between Nazism and the fundamentalist version of Islam, and demonstrates the naiveté of democratic nations confronted by both ideologies.

*Obsession* is the most powerful film available on the subject of Islamic terrorism. It begins and ends with disclaimers explaining that the film is not
about the majority of law-abiding Muslims, but about only a handful that subscribe to an ideology of hate that has appropriated Islam. The disclaimer highlights the notion of the civil war within Islam between fundamentalists and reformers as much as it does a global war against the nonbeliever.

The civil war within Islam is also the focus of Said Bakhtaoui and Mohammed Ballout’s *Shi‘ism: Waiting for the Hidden Imam* (First Run/Icarus, 2005, 53 minutes), which is not a polished production like *Obsession*. The film has the feel of a PBS special, and provides the viewer with an overview of Shia history and politics. The Shias, who represent about ten percent of Islam devotees and are mostly located in Iran (95%) and Iraq (60%), and to a lesser extent in Lebanon (30%) and Syria (12%), are ideologically separate and miles apart from their Sunni brethren.

The split in Islam occurred quite early (AD 632) when the Prophet Mohammed died without an official successor, which created a political void. His cousin Ali claimed succession, to the dismay of Sunnis, who believed the new Imam should be put to a vote and replaced the Prophet with Abu Bakr. Ali waited twenty years to become leader and was murdered in 661 as the governor of Damascus seized power, an event that was followed by another coup as Ali’s son Hussein seized power. When Hussein left for Iraq, he was killed by the competing Imam, Yamin, in a massacre at Karbala; he is buried there, making it Islam’s second most holy site (after Mecca). Vengeance for three of the four successors to the Prophet is a key element contributing to the schism in Islam.

Since only blood relatives of the Prophet could succeed, the “partisans of Ali,” or Shias, broke away with irreconcilable ideological splits. Shias emphasize moral victories, Sunnis material and political ones. Shias must be buried near an Imam, while Sunnis need not be. The Shias say the Koran must be interpreted; the Sunnis say it must be understood literally.

For the faithful of Islam, herein lies the rub. The Koran must be interpreted because of the hidden meanings regarding the Twelvers. The Twelvers refers to the film’s subtitle of the twelve Imams, including Mohammed ibn Hasan, the Mahdi or hidden Imam who will return to earth and bring peace. (By contrast, Sunnis believe he has yet to be born.) Pictures of the Twelve Imams appear everywhere in Shia culture and often include the Prophet Mohammed, though as the Danish cartoon riots of 2006 reminded us, it is against the tenets of Islam to display images of the Prophet.

The film walks the viewer through history, rituals, and ideological beliefs and is shot in Iraq, Iran, and Lebanon. While it does explain Hezbollah’s politics, the missing pieces, such as the current Iraq invasion, are conspicuous.
Both *Obsession* and *Shi'ism* may appear at film festivals and art houses or go to video. Currently both can be ordered directly from the distributor. Both films deserve to be seen.