

# The Medical and Psychological Effect of Hate Crimes and Hate Speech on Vulnerable Social Groups

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## Abstract

The present study would be analyzing and interpreting the intricacies of hate speech in two-fold. Firstly, the authors would be meticulously analyzing the legal parlance of the term ‘hate speech’ in the present aeon and its repercussions, i.e., outline the constitutive and consequential harm faced by the people that goes beyond legal texts and judgments and beyond the legal notion of hate speech.

In furtherance, this research article would address the aftereffects of hate speech medically and how it takes a psychological toll on minority bigotry and pervasive gender or ethnic differences by using a plethora of well-known logical research approaches that are unique to analytic philosophy.

Hate speech cases have resulted in bans on campus, legal rulings, and national controversy. The term ‘Free Speech’ and ‘Hate Speech’ has been misconstrued and used misappropriately. The prime reason is the absence of precise clarification and the unbelievably wide usage of the term. The targeted communities experiencing hate speech are of paramount importance but are often overlooked due to the legitimacy of laws pertaining to hate speech.

**Keywords:** hate crime, hate speech, medical effect, psychological effect, social group

‘A public health approach to bigotry will not eliminate/ eradicate hatred, but may at least mitigate the damage hatred can inflict upon society.’

– Ronald Pies

## Introduction

As everyone is aware that there is no standard definition of the term ‘Hate speech’, however, the same has/ is being used at persecuting people by denigrating their religious, ethnic or other racial identities. The term ‘Hate speech’ has always been used to mean violent, disrespectful, threatening, bullying or inciting

abuse, hostility or bigotry against vulnerable groups characterized by characteristics such as ethnicity, faith, place of birth, residence, country, language, caste or community, sexual orientation or personal convictions. The balance of society is disrupted by these speeches, and it breaks the multifaceted structure of society.

While a single individual or small community may be the immediate target, through fostering bigotry and intolerance, the harm caused by hate speech can spread to whole populations. Although hate speech has been there for time immemorial, to date, there is no dearth of laws pertaining to the menace of hate speech.

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The inclusion of Sections 153A and Section 505C in the Indian Penal Code, 1860 with respect to hate speech only make the substantive law more wholesome. The real need is to overhaul the prevailing laws with proper vigour and efficacy in order to devise ways to combat the injury caused due to hate speech. The authors would like to assert that on account of public order, incitement to violence and State protection, hate speech that has become a preeminent concern must be curtailed.

### **Materials and Method**

This research paper is based on doctrinal study. The authors relied on several books and research papers by analyzing and interpreting them to bring a different point of view.

### **Discussion**

#### **How Far the Limitation on Free Speech Play a Role?**

One among the most cherished rights of a civilized, democratic society is 'Right to Freedom of Speech and Expression' which has been enshrined and enunciated under Article 19 (1) (a) of the Indian Constitution. The prime objective of this provision is promoting a plurality of opinion. Per contra, it is of paramount importance to note that in an unjust society, this right will be in contrast with the doctrine of non-discrimination.

Equality of speech, including offensive speech many a time, berates the essence of equality. A question that arises is 'Whether Freedom of Speech and Expression is absolute, or can there be any restrictions put on this right?' Post the insertion of Article 19 (2) in the Indian Constitution by relying on the case of *Gitlow v. New York*,<sup>[11]</sup> reasonable restrictions were imposed on this right. This provision act as a check to the provision that grants the freedom of speech and expression.

However, the authors deem that the same has not been imposed accordingly as the thin line to demarcate Free speech and Hate speech has been ignored that results in infringing the fundamental right of Freedom of speech and expression and misuse of the law. To demarcate a line between free speech and hate speech is

a challenge that policy makers, law agencies, judiciary etc. are facing. It is a conundrum that need to be resolved. This is not only the scenario in India but also worldwide.

### **An Analysis of Reported Hate Crimes**

Globally, hate crimes are under-reported, offering little details on the incidents. Based on the analysis, it was brought to light that in 2010 alone, there were 3,770 hate crimes reported in Germany, which included not only hate crimes but also incitement to hatred and propaganda offences.<sup>[12]</sup> In 2014-2015, there were approximately 42,930 racially motivated public order offences in England and Wales.<sup>[13]</sup> The FBI reported 7,145 hate crimes in 2017.<sup>[14]</sup> It was found out that the reported hate crimes in 2017 were mainly motivated by hostility based on race/ ethnicity (58.1 percent), religion (22 percent), sexual orientation (15.9 percent), gender identity (0.6 percent) and disability (1.6 percent).<sup>[15]</sup>

To put an embargo on hate speeches and hate crimes, a bill was introduced in the U.S. House of Representatives known as 'The National Opposition to Hate, Assault, and Threats to Equality Act, 2017,' to collect more precise hate crime reports by training law enforcement to identify hate crimes and setting up monitoring hotlines. Apart from the introduction of the bill, there was no further action or measure taken on it.<sup>[16]</sup>

In furtherance, the FBI's Uniform Crime Reporting (UCR) while submitting the hate crime statistics elucidated that the hate crime information for 2019, submitted by 15,588 law enforcement authorities, offers information about the cases, suspects, perpetrators, and hate crime sites. There were 7,314 cases of hate crime incidents, including 8,559 offences among these organizations that sent incident reports.<sup>[17]</sup>

The current study on hate crimes relied on hate crimes reported to the authorities, and thus rests not only on the desire of the victims to report but also on their capacity to supply the police officials with ample proof of the hate motivation.<sup>[18]</sup> This leads to a shortage of knowledge that makes it impossible to measure the

nature of the issue and to take appropriate action to resolve it. Taking this into consideration, the European Commission against Racism and Intolerance (ECRI) proposes that States must offer practical assistance to hate speech and abuse targets. They should be made aware of their right to redress by institutional, civil and criminal action and advised to report the authorities and access legal and therapeutic support.

### **Harms to Victims As Well As Perpetrators: A Medical/ Psychological Based Approach**

Based on research study by numerous psychiatrists, it has been noticed that people victimized by violent hate crimes are likely to suffer more psychological trauma than the victims of other violent crimes.<sup>[19]</sup> It takes a psychological toll on the victims, which leads to post-traumatic stress, safety concerns, depression, anxiety and frustration.<sup>[20][21]</sup>

The first step in crime intervention and prevention is the awareness of the mindset of the hate crime perpetrator. Until thoroughly recognizing the reason for the offence, in the sense of social intolerance, bigotry, and discrimination, it is difficult to assess the far-reaching psychosocial impact for the victims or identify the mindset of the perpetrator. After a comprehensive analysis, it was found that most of the hate crimes/hate speeches are consummated by the youngsters. Regarding the diversity of youths, it is during puberty that the core signs of hate impulses become fully visible. To grasp the enormity of evil activities such as hate crimes, youngsters become 'armed' with the cognitive and moral apparatus and are thereby therefore motivated to commit them.<sup>[22]</sup>

Genetic theories have revealed that the genes of an individual may predispose the person to choose criminal activity under certain circumstances.<sup>[23]</sup> A genetic factor for illegal and aggressive activity has been proposed in both twin and adoption research.<sup>[24]</sup> It was found that the concept of hate crimes has not been discussed/ addressed in any genetic testing.

The psychoanalytical approach of Young-Bruehl linked the lack of satisfaction of essential needs to the commission of hate crimes in many at-risk youths.<sup>[25]</sup> Without a welcoming atmosphere to express the typical anxiety, uncertainties and insecurity of adolescence, there is an incomplete sense of belonging and a fragile intensity of ego among young people. Due to these deficits, adolescents may use prejudices in their community because of these deficiencies to project unacceptable emotions, not to an individual nearby, but to an entire society, including a group outside personal familiarity. The consequence is intolerance of others and resentment at the shortcomings attributed to them. The average youth who acts on his hatred feels rejected and abandoned from friends and members of family and uses hate to make up for feelings of inadequacy. In their recruiting of youngsters, hate groups are effective because their beliefs have a kind of outward superego. The actions of the group offer gratification and an independent teenager may thus be persuaded to adhere to the group and disregard previous principles and convictions entirely.<sup>[26]</sup>

Aaron T. Beck, an American psychiatrist, views hate as a neurological challenge, a disease of thought. Thought drives conduct in this theoretical context, and the violence-prone person, including the perpetrator of hate crime, has a profound weakness in his understanding of social experiences.<sup>[27]</sup> He sees himself as righteous and moralistic, while the enemy is to blame for his troubles. Youths who commit hate crimes exhibit issues with impulse control, thrill-seeking conduct, problems with intimidation, behaviour or hostility, a desire to be professional, or feelings of betrayal and underlying harm.<sup>[28]</sup>

Data on convicted hate crime offenders have demonstrated that many of the most violent types of hate violence are perpetrated by persons with previous criminal backgrounds, those who are socially deprived and those who are susceptible to drug abuse. Furthermore, abusive offenders have displayed characteristics predicting antisocial and repetitive behaviour. In terms of psychological or demographic

status, including variables such as income level, religion, and national origin, the bulk of hate crime offenders are little identified.

It is of paramount importance that if hate speech continues to be unchallenged, over time bigotry towards already marginalized people is intensified, and their increased marginalization and alienation is promoted. Increased social tensions, clashes and, in some situations, armed confrontation will also occur.

Has the Government Taken Sufficient Steps to Combat Hate Speech?

Hate speech manifests itself in different forms to date, along with the rampant advancement of technology. The laws of various countries and international orders also respond to it in varied aspects. While several nations have regarded the malicious use of hate speech as a criminal act and have outlawed it, it is still widespread.

Some of the countries that consider hate speech as an offence and has enacted laws to prevent the same are Public Order Act, 1986 in U.K. has elucidated incitement to racial hatred as an offence; inciting abhorrence against any recognisable group has been considered as an indictable offence under the Canadian Criminal Code; Australia has formulated the Racial and Religious Tolerance Act 2001 that prohibits hatred against any race or religious beliefs etc.

In an article entitled, "*Hatred-A Public Health Issue*," Public Health experts Izzeldin Abuelaish and Neil Arya claimed that "Hatred can be conceptualised as an infectious disease, leading to the scaling up of violence, fear, and ignorance. Hatred is contagious, it is capable of crossing hurdles and boundaries".<sup>[29]</sup> It has been further enunciated that if hate and bigotry are both negative and contagious, how will this issue be approached by a public health approach? The professionals suggested numerous preventive strategies for the said question which includes promoting knowledge of the harmful health impacts of hatred; improving mental self-awareness and dispute solving skills; building 'immunity' against provocative hate speech, and fostering an understanding of mutual

interest and human rights. Considering the strategies recommended by the public health professionals may not eradicate hate speech/ hatred, but can at least minimize the harm that hate will cause on society.

Although the hate speech laws are sufficiently broad, however, a greater degree of legal protection is in need in the present aeon that determines hate speech from the viewpoint of the vulnerable communities and also reflects the truly reprehensible nature of the offenders. In furtherance, it is not only that there must be stringent laws concerning hate speech but also must consider the strategies/ recommendations of medical professionals. The concept of hate speech must commence in early childhood. There is currently a lack of vertical and interdisciplinary training. Students, instructors, and administrators all need support to act correctly when they see violence happening in the classroom or on the playground. There is a need for comprehensive study and data collection on hate crime activities, with specific regard on youth offenders.

## Conclusion

When we look into the fundamental right of Freedom of Speech and Expression along with the reasonable restrictions, it hasn't been giving a huge impact on the society. Whatever amendments that have been enacted in the present legal framework with respect to hate speech by numerous countries, the authors believe that it is just to rationalize the existing provisions and an effective or adequate step hasn't been taken by the government (s) to date to curb hate speech. Any further laws/ programs initiated towards prevention of hate speech/ hate crime must concentrate on fostering empathy and an awareness of diversity among school children.

In furtherance, the key reason for such a debate on hate speech/ hate crime is the lack of definition, which is of utmost importance. Many courts encounter this issue and often fail to provide a clear-cut definition for 'hate speech'. Hate speech negates the entire possibility of social contact and avoids the continuation of never-ending debate of thoughts and feelings. Beyond the technical complexities in implementing applicable

statutory prohibitions, the difficulty in distinguishing between speech/ expression and actions emphasizes the need to punish varied forms of hate speech addressed to particular persons.

Despite the implementation of various educational programs and interventions, hate crimes are still persisting. Such proactive initiatives and strategies to deter hate before it is expressed in a criminal act can only minimize bias-motivated crimes. It is pertinent to note that as long as schools breed bigotry, hate crimes tend to happen. The authors would like to suggest that programs that encourage awareness for police and victim assistance providers to help hate crime victims coping with trauma are required across the globe. As elaborated earlier, a public health approach is the desideratum to prohibit hate speeches as it not only takes a psychological toll on the individual but on the society at large. In order to prevent such hate crimes against humanity, there needs to be narrowly tailored legislation banning the propagation of mis ethnic stereotypes designed to elicit crimes against outgroups should be implemented within a reasonable timeframe.

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