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Ethical dilemmas of the language of politics – selected examples of hate speech

Etyczne dylematy języka polityki – wybrane przykłady mowy nienawiści

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Abstract

Hate speech is a common phenomenon in the language of contemporary politics and in public life. Although the phenomenon of hate speech itself should not raise any doubts as to its reprehensible nature, it is nevertheless connected with ethical dilemmas – hate speech may appear as a tool used in a just cause or as an action legitimately stigmatizing unquestionable evil. At the same time, consenting to hate speech leads to the relativization of good and evil – it is synonymous with accepting the lesser evil. The authors of the article conclude that European legislation should place greater emphasis on creating a coherent definition of hate speech, which would be the same for all EU Member States, and on penalizing this phenomenon. In line with European law, national law should respond to the challenges of the present day. Undoubtedly, one of them is the omnipresence of hate speech in public debate.

Keywords: hate speech, ethical dilemma, language of politics, public life, relativization of values, law, European legislation, ethical absolutism, utilitarianism

Streszczenie

Mowa nienawiści jest zjawiskiem powszechnie występującym w języku współczesnej polityki i sferze życia publicznego. Choć samo zjawisko mowy nienawiści nie powinno budzić żadnych wątpliwości odnośnie do jego nagannej oceny, to jednak łączy się z dylematami etycznymi – mowa nienawiści może jawić się jako narzędzie użyte w słusznej sprawie czy też jako działanie zasadnie piętnujące niekwestionowalne zło. Jednocześnie przyzwolenie na mowę nienawiści prowadzi do relatywizacji dobra i zła – jest tożsame z akceptacją „mniejszego zła”. Autorzy artykułu konkludują, że ustawodawstwo europejskie powinno położyć większy nacisk na stworzenie spójnej definicji mowy nienawiści, która byłaby tożsama dla wszystkich państw członkowskich UE, oraz penalizację tego zjawiska. W ślad za prawem europejskim prawo krajowe powinno odpowiadać na wyzwania współczesności. Niewątpliwie jednym z nich jest wszechobecność języka nienawiści w debacie publicznej.

Słowa kluczowe: mowa nienawiści, dylemat etyczny, język polityki, sfera życia publicznego, relatywizacja wartości, prawo, ustawodawstwo europejskie, absolutyzm etyczny, utilitaryzm

In this article, we will consider the ethical dilemmas of the language of politics against the background of an important phenomenon, which is hate speech today. Of course, it is a truism to say that politics appears as a sphere of life in which the only value is efficiency. Increasingly, people do not trust their governments and fellow citizens. More and more often, democratically elected representatives not only ignore the will of their electorate, but act in ways that are completely at odds with the commonly accepted interpretation of morality. Finally, citizens are increasingly expressing their disappointment in public and virtual spaces, using hate speech against previously elected councilors, deputies or senators. We may be tempted to make a bold thesis that in the 21st century we are witnessing the Internetization of politics. A phenomenon in which dialogue with voters is moving (to a large extent) from rallies and face-to-face meetings to virtual space. A space where people feel impunity and give vent to their worst instincts.

Regardless of where politicians meet with voters, it is difficult to overestimate the function of language in politics. This was already pointed out by the sophists – the ancient founders of the idea and institutions of democracy. For the ancient Greeks, a politician is a rhetor, that is, a speaker who is able to use language efficiently – skillfully constructing sentences, perfectly choosing words and arguments. In this perspective, a good politician is an effective politician, who can be socially useful precisely for this reason. Nowadays, rhetoric is making a big comeback as an important tool used in broadly defined public life public life, politics and the media. Most leaders today use the services of professional logographers or speechwriters to write great speeches for them, journalistic rhetoric is taught at many universities to teach creative writing, and in the United States, updated

antique rhetoric used for propaganda and advertising is particularly popular – and not only in terms of formulating slogans, but also as a rule for composing persuasive texts (for example, a business letter, a commercial offer).

Language, especially the language of politics, is undoubtedly a tool, the use of which most often leads to certain consequences of positive or negative moral value. An ethical dilemma, on the other hand, is a situation where we are forced to choose between good and good, or lesser and greater evil. In other words: we are talking about the case of moral decisions in situations where harm is unavoidable – we are faced with the necessity of choosing a lesser harm, a less severe harm or one involving fewer harms. A textbook example of such a dilemma, which is a thought experiment, is the so-called wagoner's dilemma¹, which should be called the motorist's dilemma, since it is people, not wagons, who face dilemmas². In its classic form, this refers to a situation where a train carriage has gotten out of control and is speeding down the tracks. In its path are five people tied to the tracks by a mad philosopher. The switchman can move the switch and thus direct the wagon to the other track, to which one man is tied³. What should the switchman do? The ethical dilemma in this case involves a conflict between two ethical perspectives: ethical absolutism and consequentialism implying utilitarianism, which ultimately leads to the relativization of values.

In the light of absolutism, the value that is human life and the value of human actions are independent of the context, circumstances and any consequences of our actions. Thus, killing a human being is intrinsically wrong regardless of the consequences, no consequences of killing a human being will be able to justify such an act – hence, killing one human being is as wrong as killing five. For proponents of consequentialism, on the other hand, it is the consequences of our decisions that are important, not the underlying principles and values. Hence, in the perspective of utilitarianism⁴ (which stems from consequentialism), it is appropriate to seek to maximize the happiness and good of the whole (as many people as possible) – the assumption here is that flipping the switch in this case is not only permissible, but is also a morally superior choice to inaction.

The justification for this choice may also be acceptable outside the ethics of utilitarianism by placing the blame on the mad philosopher. However, this does not settle the choice, since it can be argued that the evil has already happened. In such optics, switching the switch constitutes acceptance of the situation and consent to complicity in a situation that is morally evil in its entirety, and makes the acting (switcher) partly responsible for the development of events. Failure to act puts all the blame on the mad philosopher. Opponents

¹ See: P. Foot, *The Problem of Abortion and the Doctrine of the Double Effect*, Basil Blackwell, Oxford University Press, Oxford 1978.

² This experiment was constructed by Philippa Foot and later analyzed by Judith Jarvis Thomson, Peter Unger and Frances Kamm. See Foot, op. cit.; J.J. Thomson, *Killing, Letting Die, and the Trolley Problem*, "The Monist" 1978, Vol. 59, pp. 204–217; the same, *The Trolley Problem*, "Yale Law Journal" 1985, Vol. 94, pp. 1395–1415; P. Unger, *Living High and Letting Die*, University Press, Oxford 1996.

³ J.J. Thomson, *The Trolley Problem*, op.cit.

⁴ In John S. Mill's classic view, moral are those achievements of a person that are socially useful. Thus, that man is moral who acts with society in mind and for the good of society; everyone has a role to play through which he becomes socially useful. See J.S. Mill, *Utylityzm*, PWN, Warsaw 1979.

of utilitarianism may also raise the issue of incommensurability, the non-convertibility of the value that is human life. At the same time, it is impossible not to notice that the very presence and possibility of influencing the finale of this ghastly story presents us with a dilemma from which it is impossible to escape. Therefore, not taking action can be considered an immoral action or a morally inferior choice. Interestingly, people (for example, students or survey takers) grappling with the above dilemma usually initially declare themselves to be proponents of ethical absolutism, but as they get into the cross-over position, they begin to relativize the ethical value of an action depending on the expected consequences. We can observe a similar phenomenon in the sphere of public life and politics – most political parties declare commitment to certain values, which is an expression of ethical absolutism, while in specific situations the same parties relativize the ethical value of an action depending on its social and political consequences. In the following part of the article, we will address how this relativization is carried out today by the so-called hate speech, which in itself is a phenomenon judged ethically and legally as something unequivocally reprehensible and immoral.

As interpreted by the Council of Europe, hate speech is “speech that spreads, promotes and justifies racial hatred, xenophobia, anti-Semitism and other forms of intolerance that undermine democratic security, cultural cohesiveness and pluralism.”⁵ In other words, it occurs when language is used to incite, disseminate or justify hatred, discrimination and various forms of violence against specific individuals, groups and communities. Public incitement to violence or hatred directed against a group of persons defined by race, color, descent, religion or belief, or national or ethnic origin, or against a member of such a group is also considered – in the plane of public international law – to be hate speech⁶. In contrast, the United Nations Interpretation and Action Plan on Hate Speech of June 20, 2019, while not providing a definition of hate speech, defines the phenomenon as “any kind of communication in speech, writing or behavior that attacks or uses pejorative or discriminatory language against a person or group on the basis of who he or she is/they are in other words, on the basis of their religion, nationality, ethnicity, race, color, descent, gender or other identity-determining factors.”⁷ UN representatives do not focus on the definition of hate speech, but rather on the prohibition of inciting or fomenting discrimination, hostility or overpower motivated by the same prejudices and stereotypes that drive people to use hate language. Following Lech M. Nijakowski, it should be stated that there are six determinants of hate speech. These are:

⁵ *Recommendation No. R (97) 20 of the Committee of Ministers to Member States on “hate speech”*, The Council of Europe, 1997, p. 107.

⁶ Council Framework Decision 2008/913/JHA of November 28, 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law measures.

⁷ *The United Nations Strategy and Plan of Action on Hate Speech, launched by the Secretary. Detailed Guidance on Implementation for United Nations Field Presences*, United Nations, 2019, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiSIPqvk934AhUimIsKHTWRDoMQFnoECAYQAQ&url=https%3A%2F%2Fdigitallibrary.un.org%2Frecord%2F3889286%2Ffiles%2FUN_Strategy_and_PoA_on_Hate_Speech_Guidance_on_Addressing_in_field.pdf&usg=AOvVaw1sz_4ScyCOcehNdReB4F1A [access: 30.06.2022].

1. Excessive generalization of a negative trait – negative stereotyping of foreign groups.
2. Attributing particularly negative traits or deeds to individuals or groups.
3. Derogatory lexis, dehumanization – analogies, metaphors.
4. Showing superiority, not allowing people to speak.
5. Catalogs and juxtapositions – catalogs exposing, for example, Jews, Roma, gays, etc.
6. Object of hatred – gender, skin color, nationality, ethnicity, sexual orientation, disability, native language⁸ etc.

These six determinants thus constitute publicized intolerance and verbal violence, an expression of collective hatred, which is addressed to natural collectivities to which one does not belong by virtue of freely chosen beliefs.⁹ The indicated intolerance highlights the regularity from thoughts to actions. Hate speech can easily and quickly turn into a crime.

In doctrine, hate speech, reflected in hate crimes, is captured in three aspects: *sensu stricto*, *sensu largo* and *sensu largissimo*¹⁰. Hate crime *sensu stricto* includes acts penalized in the provisions of Articles 119¹¹, 256¹², 257¹³ of the Penal Code. A hate crime *sensu largo* is any criminal offense committed for discriminatory motives, such as the crimes of

⁸ See: L.M. Nijakowski, *Mowa nienawiści w świetle teorii dyskursu*, [in:] A. Horolets (eds.), *Analiza dyskursu w socjologii i dla socjologii*, Wydawnictwo Adam Marszałek, Toruń 2008, pp. 113–133.

⁹ S. Łodziński, *Problemy dyskryminacji osób należących do mniejszości narodowych i etnicznych w Polsce*, Raport nr 219, Wydział Analiz Ekonomicznych i Społecznych Kancelarii Sejmu, Biuro Studiów i Ekspertyz, Warszawa 2003, p. 12.

¹⁰ See: W. Pływaczewski, M. Duda, *Od redaktorów*, [in:] W. Pływaczewski, M. Duda (eds.), *Mowa nienawiści a prawo na tle współczesnych zjawisk społeczno-politycznych*, Katedra Kryminologii i Polityki Kryminalnej. Wydział Prawa i Administracji. Uniwersytet Warmińsko-Mazurski: Fundacja Forum Dialogu Publicznego, Olsztyn 2017.

¹¹ Law of June 6, 1997. – Criminal Code, Dz.U. 1997, No. 88, item 553, Article 119: “Whoever uses violence or unlawful threat against a group of persons or an individual because of his national, ethnic, racial, political, religious affiliation or because of his irreligiousness, shall be subject to the penalty of deprivation of liberty from 3 months to 5 years. § 2 (repealed).”

¹² *Ibid.*, Article 156: “§ 1. Whoever causes grievous bodily harm in the form of: depriving a human being of sight, hearing, speech, ability to procreate, other grievous disability, grave incurable or prolonged illness, real life-threatening disease, permanent mental illness, total or substantial permanent incapacity to work at an occupation, or permanent, substantial disfigurement or disfigurement of the body, shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years. § 2. If the perpetrator acts unintentionally, he shall be subject to a penalty of deprivation of liberty of up to 3 years. § 3. If the consequence of the act specified in § 1 is death of a human being, the perpetrator shall be subject to a penalty of deprivation of liberty of from 2 to 12 years.”

¹³ *Ibid.*, Article 257: “Whoever publicly insults a group of people or an individual because of his national, ethnic, racial, religious affiliation or because of his irreligiousness, or for such reasons violates the bodily integrity of another person, shall be subject to the penalty of deprivation of liberty for up to 3 years.”

murder (Article 148 of the Penal Code¹⁴), causing bodily harm (Articles 156¹⁵ and 157 of the Penal Code¹⁶), fighting or beating (Articles 158¹⁷ and 159 of the Penal Code¹⁸), robbery (Article 280 of the Penal Code¹⁹) or theft (Article 279 of the Penal Code²⁰). A hate crime *sensu largissimo* in the form of hate speech includes any speech that is defamatory, harassing, demeaning or expressing contempt for the addressee. In the last – the most interesting – view, it is therefore verbal aggression directed directly or indirectly at an individual or group recipient. Such aggression can be caused by the implicit or actual af-

¹⁴ Ibid., Article 148: “§ 1. Whoever kills a human being shall be subject to imprisonment for not less than 8 years, 25 years’ imprisonment or life imprisonment. § 2. Whoever kills a human being: 1) with special cruelty, 2) in connection with taking a hostage, rape or robbery, 3) as a result of motivation deserving special condemnation, 4) with the use of explosives, shall be subject to the penalty of deprivation of liberty for a term of not less than 12 years, the penalty of 25 years’ imprisonment, or the penalty of life imprisonment. § 3. The punishment specified in § 2 shall be imposed on a person who kills more than one person with one act or who has previously been validly convicted of murder, as well as on a perpetrator of murder of a public servant committed during or in connection with the performance of his official duties related to the protection of human security or the protection of public safety or order. § 4. Whoever kills a person under the influence of strong agitation justified by the circumstances shall be punished by imprisonment for a term of one to ten years.”

¹⁵ Ibid., Article 156: “§ 1. Whoever causes grievous bodily harm in the form of: depriving a human being of sight, hearing, speech, ability to procreate, other grievous disability, grave illness that is incurable or prolonged, a disease that is a real threat to life, permanent mental illness, total or substantial permanent inability to work at an occupation, or permanent, substantial disfigurement or disfigurement of the body, shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years. § 2. If the perpetrator acts unintentionally, he shall be subject to a penalty of deprivation of liberty of up to 3 years. § 3. If the consequence of the act specified in § 1 is death of a human being, the perpetrator shall be subject to a penalty of deprivation of liberty of from 2 to 12 years.”

¹⁶ Ibid., Article 157: “§ 1. Whoever causes an infringement of bodily organ functions or disorder of health, other than that specified in Article 156 § 1, shall be subject to the penalty of deprivation of liberty for a term of 3 months to 5 years. § 2. Whoever causes an infringement of bodily organ functions or disorder of health lasting no longer than 7 days shall be subject to a fine, penalty of restriction of liberty or deprivation of liberty for a term of up to 2 years. § 3. If the perpetrator of the act specified in § 1 or 2 acts unintentionally, he shall be subject to a fine, penalty of restriction of liberty or deprivation of liberty for a term of up to 1 year. § 4. The prosecution of the offense specified in § 2 or 3, if the violation of bodily organ functions or disorder of health did not last longer than 7 days, shall be conducted by private prosecution, unless the victim is the next of kin residing with the perpetrator. § 5. If the victim is the closest person, the prosecution of the offense specified in § 3 shall be carried out at his/her request.”

¹⁷ Ibid., Article 158: “§ 1. Whoever participates in a fight or beating in which a person is exposed to an imminent danger of loss of life or the occurrence of an effect specified in Article 156 § 1 or Article 157 § 1, shall be subject to the penalty of deprivation of liberty for up to 3 years. § 2. If the consequence of the brawl or beating is severe damage to human health, the perpetrator shall be subject to a punishment of deprivation of liberty from 6 months to 8 years. § 3. If the consequence of the brawl or beating is death of a human being, the perpetrator shall be subject to a punishment of deprivation of liberty from 1 to 10 years.”

¹⁸ Ibid., Article 159: “Whoever, taking part in a fight or beating of a human being, uses a firearm, knife or other similarly dangerous object, shall be subject to the penalty of deprivation of liberty from 6 months to 8 years.”

¹⁹ Ibid., Article 280: “§ 1. Whoever steals by using violence against a person or by threatening to use it immediately, or by making a person unconscious or defenseless, shall be subject to the penalty of deprivation of liberty from 2 to 12 years. § 2. If the perpetrator of robbery uses a firearm, knife or other similarly dangerous object or incapacitating means, or acts in any other manner directly endangering life or jointly with another person who uses such a weapon, object, means or manner, he shall be subject to the penalty of deprivation of liberty for not less than 3 years.”

²⁰ Ibid., Article 279: “§ 1. Whoever steals with burglary shall be punished by imprisonment for a term of one to 10 years § 2. If the burglary is committed to the detriment of a next of kin, prosecution shall take place at the request of the victim.”

filiation of the individual against whom the hate speech is directed to a particular group. Importantly, the implication of acquiescence to hate speech is the perpetuation of stereotypes and prejudices, which can ultimately lead to hate crimes. According to the definition of the Office for Democratic Institutions and Human Rights of the Organization for Security and Community in Europe (ODIHR-OSCE), a hate crime is “any crime of a criminal nature, targeting people and their property, whereby the victim or other target of the crime is selected because of their actual or perceived affiliation. connection, affiliation, membership in, or provision of support to a group distinguished on the basis of characteristics shared by its members, such as actual or presumed race, national or ethnic origin, language, color, religion, sex, age, physical or mental disability, sexual orientation or other similar characteristics.”²¹ These acts include in their characteristics a reference to the perpetrator’s motivation of a discriminatory nature. They are directed against designated groups and individuals. Among the consequences of hate crimes are:

- reinforcement of existing stereotypes and prejudices,
- collective fear,
- collective hatred and collective anger directed at a specific person or entire social or national groups,
- alteration or consolidation of existing local structure, often leading to social exclusion,
- less respect for the law,
- the activation of criminal groups based on common prejudices and fighting the “enemy,”
- increase in nationalism,
- an increase in religious chauvinism²².

The above consequences of hate crimes can have a huge impact on the formation of relations between individuals, as well as between citizens and the state. Indeed, stereotypes and prejudices have a real impact on how we perceive politicians, who will (or will not) become the voice of the sovereign in the next elections.

The ethical and legal dilemma associated with the phenomenon of the use of hate speech is the conflict between the values of freedom of speech and the personal rights of the individual. The object of freedom of speech is the right to express thoughts freely. We define freedom of thought as a person’s internal freedom (*libertas interna*).²³ It is the freedom to hold views on the most diverse manifestations of biological and social life. Non-externalized thoughts are subject to absolute protection (*cogitationis poenam nemo patitur*)²⁴. The concept of freedom of expression is a synthesis of two components: freedom “from” and freedom “to.” Freedom “from” must be understood as the emancipation of the individual from the social group and wider society. It also implies non-interference of the state in the sphere of human freedom manifested not only as an expression of a certain

²¹ W. Dadak, *Przestępstwa motywowane uprzedzeniami (o problemach z analizą przestępczości z nienawiści)*, “Czasopismo Prawa Karnego i Nauk Penalnych” 2018, R. XXII, z. 4, p. 23.

²² I. Maciejewska, *Mowa nienawiści. Podstawowe informacje*, “Zgierz Otwarty”, Zgierz 2018, p. 6.

²³ H. Cederbaum, *Słowo i pismo wobec prawa*, Gebethner i Wolff, Warszawa 1916, p. 1.

²⁴ B. Gronowska, T. Jasudowicz, M. Balcerzak, M. Lubiszewski, R. Mizerski, *Prawa człowieka i ich ochrona*, Towarzystwo Naukowe Organizacji i Kierownictwa “Dom Organizatora”, Toruń 2005, p. 322.

activity of the individual, but also expressed in a passive form, for example, the right to silence. Freedom “to”, on the other hand, implies the activity of the state, which should provide the individual with the appropriate conditions for him to exercise his freedom. A particular expression of freedom “to” is the right to be informed²⁵. From the perspective of the philosophical sciences, the analysis of freedom of speech usually implies four main types of justifications:

1. The pursuit of truth.
2. Self-expression, self-realization and individual sovereignty.
3. Cultivating the right attitudes of the audience.
4. Fulfilling the requirements of political democracy, of which freedom of expression is a necessary condition²⁶.

On the other hand, the second value that is relevant to the conflict under consideration, namely personal goods, is taken as non-material values, related to a person’s personality, generally recognized in society and accepted by a given legal system²⁷. A personal good is a value immanently connected with the essence of humanity and the nature of man, independent of his will, permanent, concretizable and objectivizable²⁸. In Polish legislation, the provision of Article 23 of the Civil Code contains an open catalog of personal goods protected by law. It includes such goods as health, freedom, name, dignity, freedom of conscience, artistic and scientific creativity, secrecy of correspondence, right to privacy, right to worship after a deceased person, right to bury a loved one²⁹. *The open catalog* means that the legislator was aware that in a few, a few decades, other goods may fall into the category of personal property.

It should be noted that supporters of the position that freedom of speech is an overriding value criticize the very concept of *hate speech*, fearing that it may be a camouflage for the desire to remove certain opinions from the bracket of public debate. Of course, those for whom the personal well-being of the individual and human rights are paramount will seek to remove hate speech from the sphere of public life.

In Poland, although a separate regulation on hate speech and hate crimes has not been created, both are considered incompatible with existing Polish law (regulations of Criminal Code and the Civil Code). For example, insulting, slandering or inciting hatred on the basis of national, ethnic, racial, religious differences or on the basis of irreligiosity is prohibited and punishable under the provisions of the Criminal Code (Articles 212, 216, 256, 257).³⁰ Moreover, it is symptomatic that in the program of no Polish party we can

²⁵ A. Redelbach, *Prawa naturalne, prawa człowieka, wymiar sprawiedliwości*, Towarzystwo Naukowe Organizacji i Kierownictwa “Dom Organizatora”, Toruń 2000, p. 90 and next; B. Baczyńska, *Wolność wyrażania opinii na podstawie artykułu 10 Europejskiej Konwencji o Ochronie Praw Człowieka i Podstawowych Wolności*, [in:] J. Ciapała, K. Flaga-Gieruszyńska (eds.), *Prawa podmiotowe – pojmowanie w naukach prawnych. Zbiór studiów*, Wielkopolska Wyższa Szkoła Humanistyczno-Ekonomiczna, Jarocin 2006, p. 226.

²⁶ W. Sadurski, *Prawo do wolności słowa w państwie demokratycznym (zagadnienia teoretyczne)*, “Państwo i Prawo” 1992, nr 10, p. 5 and next.

²⁷ A. Szpunar, *Ochrona dóbr osobistych*, PWN, Warszawa 1979, p. 106.

²⁸ Wyrok SN z dnia 19 listopada 2010 r., sygn. III CZP 79/10.

²⁹ Law of April 23, 1964. – Civil Code, Dz.U. 1964, no. 16, item 93, art. 23.

³⁰ Law of June 6, 1997. – Criminal Code, dz. cit. articles 212, 216, 256 and 257.

find at least a paragraph mentioning that hate speech on a social scale is a threat. Just as the ancient sophists assumed, most politicians treat speech as an effective tool that can bring victory or keep a particular political party in power. This brings to mind a sad reflection – politicians prefer to overlook phenomena that pose serious social threats, if these phenomena can be an effective weapon in the fight against political opposition. Politicians, as exponents of the will of the sovereign, should put the interests of the whole nation above party interests.

Commonly seen examples of attitudes implying hate speech are anti-Semitism, homophobia, Christianophobia, Islamophobia, transphobia, atheism or racism. Depending on the country, political grouping and even worldview, these attitudes will meet with radically different evaluation. On the one hand, a phobia that is overlooked (not mentioned in the context of the list of manifestations of hate speech), but on the other hand is widely promoted today and perceived as an ethically correct attitude, is Russophobia. The very utterance of the above phrase in a public space (for example, at an academic conference) generates controversy and outrage. The context of Russia's invasion of Ukraine and the tragic events that resulted from it make hatred of the aggressor appear natural and justified. This hatred is today directed at the entire Russian nation and is thus a classic textbook example of hate speech. Of course, the reasons for this phenomenon are understandable – Putin's approval rating has risen since last November from 63 percent to over 80 percent today, a record in recent years. The so-called special military operation in Ukraine also has the support of Russians – some 74 percent of Russians consider it necessary and needed. The public debate is permeated with almost undisguised contempt for the "Russians" (not Rosians, but "Russians" precisely).³¹

Russophobia is a phenomenon present in many countries, but the size of this text does not allow for comparative studies. Therefore, we will focus on Russophobia present in Poland. The extremely difficult and painful Polish-Russian history has solidified the figure of the "Russian" – he appears in jokes³², vivid memories of people who have experienced atrocities from the Russians, but most of all in media reports about the evil currently being done by Russian soldiers in Ukraine. Evil is evil and hate speech in this case appears understandable from a psychological perspective. However, its acceptance or even manifestation implies a number of ethical and legal dilemmas. From a legal perspective, it appears that the provision of Article 54 of the Constitution of the Republic of Poland of April 2, 1997 protects freedom of speech³³. In the provision of Article 13, "The constitution prohibits the

³¹ The adjective *Russian* derives from the proper name Ruthenia, so *Ruthenian* is 'pertaining to Rus', and thus to Kievan Rus, on which modern Ukraine grew, Moscow Rus, of which Russia is the heir, White Rus, and so on.

³² Perpetuating stereotypes, jokes about the "Rusk" often touch on the ethical perspective: "The priest confessed the Russian and as penance tells him: – You must shake off these sins son. – The Russian went outside the church, shuddered: – brrrrrrr, go f*ck yourself!". See *Jokes about Rusk*, <https://dowcip.net/dowcipy/Dowcipy+o+Rusku> [access: 1.06.2022].

³³ Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r. uchwalona przez Zgromadzenie Narodowe w dniu 2 kwietnia 1997 r., przyjęta przez Naród w referendum konstytucyjnym w dniu 25 maja 1997 r., podpisana przez Prezydenta Rzeczypospolitej Polskiej w dniu 16 lipca 1997 r., Dz.U. 1997, nr 78, poz. 483, Artykuł 57 [Constitution of the Republic of Poland of April 2, 1997, adopted by the National Assembly on April 2, 1997,

existence of political parties and other organizations whose program is based on totalitarian methods, the practices of Nazism, communism and fascism, as well as those whose program presupposes or permits racial and national hatred.”³⁴ Racial and national hatred is defined by the legislator in the provision of Article 13 of the Constitution as follows: “are constitutionally forbidden attitudes, and both on a programmatic and factual level. Prohibited are all hostile, aversive, degrading or aggressive behavior towards a group of people distinguished by a certain set of traits transmitted hereditarily (e.g., skin color), as well as towards people with traits inherent to a particular nation (language, culture).”³⁵ At the same time, hatred of the nation (the majority of Russian society) is clearly echoed in the official messages formulated by Polish Prime Minister Mateusz Morawiecki: “We cannot have any illusions. This is not madness, but a deliberate strategy that has already opened the gates to genocide. Russkiy Mir is a cancer that consumes not only the majority of Russian society, but poses a deadly threat to all of Europe. Therefore, it is not enough to support Ukraine in its military struggle against Russia. We must completely eradicate this new, monstrous ideology.”³⁶ This hatred connects the prime minister with the sentiments and feelings manifested by the majority of Polish society and opposition party representatives – his words are decidedly restrained in relation to what Poles representing different worldviews and political sympathies say and write about it. Those who do not buy into such hatred instantly gain the status of a “hidden Russian option” or “Russian onucca” – they are attributed to a Russophile attitude. Russophile attitude and favoritism towards the criminal regime. Like in a crossover dilemma, we thus accept a situation in which the use of a large quantifier and the relativization of evil result in hatred also being extended to those who are fleeing Putin’s regime (for example, homosexuals, who experience various types of persecution in Russia today) and those who, protesting in the streets of Russian cities against the war, are giving up their freedom and often their lives today.

In conclusion, hate speech is a common phenomenon in the language of modern politics and the sphere of public life. Although the phenomenon of hate speech itself should not raise any doubts about its reprehensibility, it is connected with ethical dilemmas – after all, hate speech can appear as a tool used for a just cause or as an action legitimately stigmatizing unquestionable evil. At the same time, acquiescence to hate speech leads to the relativization of good and evil – it is the same as accepting the “lesser evil” (accepting that a train will run over one person instead of five). It is worth remembering how susceptible people are to the message coming from tweets, online and newspaper publications, and postings by politicians and c-mentors of public life. In our opinion, European legislation should place greater emphasis on creating a coherent definition of hate speech, which would be the same for all EU member states, and criminalizing the phenomenon. Following the European law, national law should respond to the challenges of modernity.

approved by the Nation in a constitutional referendum on May 25, 1997, signed by the President of the Republic of Poland on July 16, 1997, Journal of Laws. 1997, No. 78, item 483, Article 57.]

³⁴ Ibid., Article 13.

³⁵ J. Sulkowski, [in:] M. Safjan, L. Bosek (eds.), *Konstytucja RP. Tom I. Komentarz Art. 1–86*, Wydawnictwo C.H. Beck, Warszawa 2016, p. 387.

³⁶ T. Morawiecki, *Russia’s monstrous ideology must be defeated*, “Daily Telegraph”, 13-05-2022.

Undoubtedly, one of them is the omnipresence of hate language in the public debate. As Marek Edelman used to say, “When you look at evil and turn your head away, or don’t help when you can help, you become co-responsible. Because your turning your head helps those who commit evil.”³⁷

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³⁷ *Materiały edukacyjne Centrum Edukacji Obywatelskiej na temat migracji i uchodźstwa oraz metod pracy z młodzieżą*, Centrum Edukacji Obywatelskiej, Warszawa 2016, p. 2.

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