



Identifying “hate speech”: a rhetorical discourse approach

Identificando os “discursos de ódio”: um olhar retórico-discursivo

Melliandro Mendes Galinari

Universidade Federal de Ouro Preto (UFOP), Mariana, Minas Gerais / Brazil

melliandro@yahoo.it

<https://orcid.org/0000-0002-6838-0615>

Abstract: Several scholars and social movements have commonly observed that hate speech is in full swing in contemporary public spheres, with an intensity never felt before, especially with the emergence of social networks and their technological diffusion. This article proposes some identification parameters of such modern phenomenon in our society, based on the legislation and also on classic notions of Rhetoric and Discourse Analysis, such as, for instance, discourse notion and conditions of discourse production. As a result, the article concludes that not every speech that expresses anger, rage or wrath is necessarily a hate speech, as it depends on its discriminatory social effects, examined within its social and historical context aspects. Based on such perspective, the article also presents some possible recurrences of discourse of hate speech, such as the stereotype, the insult, the ridicule, the expression of euphoria in the face of other’s pain, delegitimization and negationism.

Keywords: hate speech; discourse analysis; rhetoric.

Resumo: Tem sido uma constatação comum de diversos estudiosos e movimentos sociais que certos discursos, ditos “de ódio”, encontram-se em franca ebulição nas esferas públicas contemporâneas, com uma intensidade jamais antes sentida, principalmente com o surgimento e a difusão tecnológica das redes sociais. Este artigo propõe alguns parâmetros de identificação desse fenômeno em nossa sociedade, com base nas Leis, e também a partir de noções clássicas da Retórica e da Análise do Discurso, como, por exemplo, a própria noção de discurso e de condições de produção do discurso. Como resultado, o artigo conclui que nem todo discurso que expressa raiva, ira ou cólera é, necessariamente, um Discurso de Ódio, pois este depende de seus

efeitos sociais discriminatórios, examinados dentro das características de seu contexto social e histórico. Dentro dessa perspectiva, o artigo apresenta, ainda, algumas possíveis recorrências discursivas dos Discursos de Ódio, tais como o estereótipo, o insulto, a ridicularização, a expressão de euforia diante da dor do outro, a deslegitimação e o negacionismo.

Palavras-chave: discursos de ódio; análise do discurso; retórica.

Received on March 20, 2020

Accepted on May 20, 2020

1 Introduction

In today's sentimental media attention-based panorama, in the infinite gigabytes of social networks, in the most rampant political controversies, with their fearless civic affections, a Demon – Hate Speech – smiles at us! It became a slogan, it became *the* buzzword of the moment: both the expedient of discrimination against the other (or his/her class/gender/ethnicity, etc.), and the demagogic-accusatory representation of adversary behavior, posed as “hateful,” through nervous gestures of self-defense in front of rapt audiences. Hate is seen in the vein, in the voice; it is seen in the entertainment apparel on the saliva-blurred screens of the latest generation computers, smartphones and tablets. This ferocious, multifaceted animal that it is, is shaped in **bold**, in CAPITAL LETTERS, in mor·pho·syn·tax, in the terrifying, ridiculer and stigmatizing power of audiovisual tools.

From the theoretical point of view, that anguished question which does not want to remain silent: everything that ignites in us, overflows, exaggerates, or even every impulse that explodes, which radiates in our hearts, anger, rage or fury, would everything be, for this condition, “toxic smoke,” that is, a latent sign of fire – the fire of Hate Speech? If odiousness throbs in the vein, if it erupts hard through the word – through the insult! –; if it is disgorged through the spittle, or even through battering or homicide, would we be, once again, unequivocally before the phenomenon in question? What instigates me in this article is precisely to reflect if we can go about, in a correct manner, calling any “angry” statement Hate Speech. Here it is an initial suspicion, which seeks to ask

whether such expression is not trivialized by an indiscriminate use in political debates and on social networks. After all, is all verbal violence automatically synonymous with Hate Speech?

The suspicion seems to be pertinent to the theoretical-practical field of this work. I believe it would be up to areas such as Discourse Analysis (DA) and Rhetoric/Argumentation to try to establish, with their approach, parameters so that we can discern (although the subject is quite complicated) the disconnected expression of anger (or fury), of an accidental and momentary nature, from the so-called Hate Speech, with wide socio-political impact, that is, with a high degree of ideological character.

The search for elucidating an issue of this nature is a challenge and, above all, to step on unstable ground, since, in fact, we are handling with a legal problem of *typification*, miles from reaching (and perhaps it is impossible) a definitive solution. This becomes even more evident if we anticipate here some maxims common to rhetorical-discursive studies: our tireless current language is not transparent; words, our most dear and preferred expressions, are not the things of the world they designate; in short, an ontological or essential “Truth” does not exist. Furthermore, the structure of language does not mean or generate its effect by itself, that is, in an autonomous and universal manner; in this case (and always), it is necessary to consider the *context* to extract the particular meaning of a statement, either to speculate about its possible impacts, or to support whether a given expression means this or that. What I would like to say with this is that *Hate Speech* would have, at least in theory, its specific context (s), and could only be designated, therefore, according to what has called *conditions of discourse production*.

If words have their meaning and effect changed depending on the situation/context, how could we then typify, once and for all, the characteristics of Hate Speech? How, then, would it be possible to catalog prototypical linguistic-discursive forms, capable of denouncing the unequivocal occurrence of this corrosive phenomenon in public language? In order to cover this range of initial problematization, this article is divided into three complementary sections, each contributing, in its own way, to the definition and identification of Hate Speech: an initial moment, in which one seeks to verify Law contribution; a second part, in which one seeks to extract theoretical consequences from the notion of conditions of discourse production and, finally, a last part, in which the

very notion of discourse, according to Rhetoric and Discourse Analysis, offers its contribution, a moment in which some symbolic recurrences of Hate Speech will also be presented.

2 Legal practice: what Laws say

The legal world presents us with important contextual elements for understanding Hate Speech. Obviously, Laws do not approach the subject directly, but, in a way, they provide us with explanatory subsidies for its understanding in our society. They can also contribute, more importantly, to the identification of some possible forms of symbolic manifestation of Hate Speech. It is in this sense that some legal measures are presented and discussed below:

- Law No. 7.716, of January 5, 1989:¹ in general, as it is in its Art. 1, makes “(...) crimes resulting from discrimination or prejudice based on race, color, ethnicity, religion or national origin” punishable. This Law sets forth not only the illegality of such practices, but also of their *provocation* and *incitement*, as is clearly expressed in Art. 20. In this sense, Paragraph 1 of that same article also establishes punishment in the following case: “to manufacture, commercialize, distribute or convey symbols, emblems, ornaments, badges or advertising that use the swastika or gamma cross for the purpose of spreading Nazism.”

Far from disregarding the progress of such legislation, it presents two problems. First of all, there is an external problem: the “relativization” that this Law has been suffering due to another previous official guideline, namely, Decree-Law No. 2.848, of December 7, 1940,² present in the Penal Code, which typifies the so-called “racial injury.” In its Art. 140, it is possible to find the possibility of imposing punishment to those who, in a general (and vague) manner, “insult someone, offending their dignity or

¹ Available in the Portuguese language at: <https://www2.camara.leg.br/legin/fed/lei/1989/lei-7716-5-janeiro-1989-356354-publicacaooriginal-1-pl.html>. Access on: March 16, 2020.

² Available in the Portuguese language at: <https://www2.camara.leg.br/legin/fed/decllei/1940-1949/decreto-lei-2848-7-dezembro-1940-412868-publicacaooriginal-1-pe.html>. Access on: March 16, 2020.

decorum.” More specifically in § 3, the racial and other issues are more clearly introduced. In this sense, there will be punishment “if the injury consists in the use of elements referring to race, color, ethnicity, religion, origin or the condition of an older adult or person with a disability.”

The big issue is that the so-called racial insult provides for milder punishments, being, for example, neither unbailable nor imprescriptible, as in the case of the racist crimes, set forth in Law No. 7.716. It is for this purpose that this Law is often relativized by Decree-Law No. 2.848 in judicial manipulations. This is because, in theory, the injury would be attributed, *roughly*, to a *personal* offense, using categories such as the individual’s race, color, ethnicity, religion, origin, age, physical disability, etc., almost as a “pretext” to reach the very person; racism, on the other hand, would be directed at the prejudice against an entire collectivity (and not an individual in particular), as a given group suffers from restrictions and social violence for presenting specific ethnic traits, as it has been in Brazil in relation to black people and indigenous people.

It is with this collective (and not personal) character harm in mind that Law No. 7.716 provides for punishment in the event that someone (or a company/institution) refuses or makes it difficult for people to work because they belong to a certain race, as well as denying their entry, for the same reasons, in commercial or public establishments (among other things). Thus, we would be facing discriminatory procedures that would socially harm an entire community. However, there is no consensus on this (abstract, in my view) separation between “racial insult” and “racism,” and much has been said, quite rightly, that the first category has been used, even legally, to relativize racial crimes (or, in other words, “to smooth the waters”).

The second issue of Law No. 7.716 concerns silence: despite condemning the apology to Nazism, the guidelines do not incorporate the extermination of the LGBTIQ+ community and systemic violence against women, thus leaving a significant gap. That is why other measures have been gradually taken towards a more just and egalitarian society, such as, for example, the following:

- Law No. 9.029, of April 13, 1995:³ according to its text, “prohibits the requirement of pregnancy and sterilization certificates, and other discriminatory practices, for admission purposes or for the permanence of the legal employment relationship, and provides for other measures.”

As can be seen, although it refers specifically to the world of work, this measure somehow typifies ways of attacking the citizenship of certain social categories. In other words, the condition of being a woman (of “being able/intending to become pregnant”, and/or of being or not pregnant) can no longer constitute an obstacle to obtaining employment, or, even, motivating inferior treatment within employment relationships. Not only the “gender” factor is covered by this Law, but also other social and identity categories, as we can see in its Art. 1:

it is forbidden to adopt any discriminatory and restrictive practice for the purpose of accessing the employment relationship, or maintaining it, due to sex, origin, race, color, marital status, family situation, disability, professional rehabilitation, age, among others, except for, in this case, the hypotheses of protection to children and adolescents provided for in item XXXIII of Art. 7 of the Federal Constitution.

Therefore, the Law refers to discriminatory practices, which in itself already interests the purposes of this work, since language is both the source and the way of expression of these practices.

- Law No. 11.340, of August 7, 2006:⁴ popularly known as *Maria da Penha* Law, this measure was created to fill a large gap left by the previous typifications. From the silence left by Law No. 7.716 with regard to gender violence, to restriction of social retaliations towards women to the world of work (Law 9.029), this instrument recognizes violence against the female gender as a perverse and quite broad cultural mechanism, precisely because it is involved in all social relations, mainly in the domestic and family scope. In

³ Available in the Portuguese language at: http://www.planalto.gov.br/ccivil_03/LEIS/L9029.HTM. Access on: March 16, 2020.

⁴ Available in the Portuguese language at: http://www.planalto.gov.br/ccivil_03/_Ato2004-2006/2006/Lei/L11340.htm. Access on: March 16, 2020.

its Art. 1, we find some general guidelines on the Law character, which

creates mechanisms to curb domestic and family violence against women, pursuant to § 8 of art. 226 of the Federal Constitution, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Inter-American Convention on Prevention, Punishment and Eradication of Violence Against Women; provides for the creation of Courts for Domestic and Family Violence Against Women; and establishes assistance and protection measures for women in situations of domestic and family violence.

Following the text, this Law appears to be quite complete and comprehensive, characterizing, for example, the punishable forms of violence against women. These are not limited to the obvious, that is, physical, sexual and patrimonial violence, but it also addresses oppressions of a more subjective, emotional and/or symbolic character, as the cases of *psychological violence*⁵ and *moral violence*.⁶ As shown by the footnotes, we are facing real acts of language, characteristic, as will be seen, of the so-called Hate Speech: humiliation, ridicule, embarrassment, defamation, insult, slander, injury, threat, etc. Of the laws above, in fact, this seems to be the one that most emphatically approaches, due to the wealth of expressions listed, the problem and the severity of verbal violence, considered in its psychological and moral aspects.

This apparently more subtle dimension of violence, but as overwhelming as any other form, is not so emphasized in the Law that addresses racism (Law No. 7.716), although it condemns the discursive provocation and incitement to prejudiced practices. Nevertheless, in Law No. 9,029, which deals with different discriminatory practices in the world of work, the symbolic issue is absent. Paradoxically, it was

⁵ “(...) understood as any conduct that causes emotional damage and decreased self-esteem or that harms and disturbs the full development or that aims to degrade or control their actions, behaviors, beliefs and decisions, through threat, embarrassment, humiliation, manipulation, isolation, constant surveillance, persistent persecution, insult, blackmail, violation of their privacy, ridicule, exploitation and limitation of the right to come and go or any other means that causes harm to psychological health and self-determination.”

⁶ “(...) understood as any conduct that constitutes slander, defamation or injury.”

addressed in Decree-Law No. 2.848, which configures the issue of “injury” and “racial injury,” but the impression that remains is that we still have a long way to go when it comes to recognizing the damage caused by the psycho-socio-discursive and moral dimensions of violence and/or hate, little or nothing contemplated in several of these laws.

- Law No. 13.104, of March 9, 2015:⁷ this measure further strengthens the protection to women already contemplated in the previous measure, adding the word “femicide” in Art. 121 of Decree-Law No. 2.848, of December 7, 1940 (Penal Code). Femicide is then defined as homicides “against women for reasons of female condition.” Then it adds: “it is considered that there are reasons of female condition when the crime involves: I) domestic and family violence; II) contempt for or discrimination against the condition of being a woman.” In these cases, the punishment will be further increased from one third to half if the woman is pregnant or had a recent delivery, if she is under 14 years old, if she is an older adult or disabled, or if she is murdered in the presence of a descendant or ascendant.

Such Law is important as it inserts into the legal language, for the first time, the term “femicide,” removing invisibility from a type of murder that has its specificities, since it approaches *gender* issues, which are also more explicit and clarified in that Law.

- PLC – House Bill No. 122 (of 2006)⁸ and homophobia framing, by the STF (Supreme Federal Court), in the Racism Crimes Law (Law No. 7.716), on June 13, 2019: House Bill No. 122 was an attempt to criminalize homophobia and, it can be said, all types of violence against the LGBTIQ+ community. However, the project was shelved in 2014, after being pending for 8 *years*, thus not obtaining approval.

⁷ Available in the Portuguese language at: http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2015/Lei/L13104.htm. Access on: March 16, 2020.

⁸ Details on this bill, as well as its initial text, can be seen in the Portuguese language on the Senate website at: <https://www25.senado.leg.br/web/atividade/materias/-/materia/79604>. Access on: March 16, 2020.

In the initial text of the proposal, we find the proposition in Art. 1, which explains the following:

This Law alters Law No. 7.716, of January 5, 1989, Decree-Law No. 2.848, of December 7, 1940 - Penal Code, and the Consolidation of Labor Laws, approved by Decree-Law No. 5.452, of May 1, 1943, defining crimes resulting from discrimination or prejudice based on gender, sex, sexual orientation, and gender identity.

Art. 2 of the project would also modify the amendment to Law no. 7.716 (already seen above), which would read as follows: “defines crimes resulting from discrimination or prejudice based on race, color, ethnicity, religion, national origin, gender, sex, sexual orientation and gender identity.” Thus, if the PLC had been approved, the words or expressions “gender,” “sex,” “sexual orientation” and “gender identity” would have been included in the 1989 Law. This would have inserted in the aforementioned Law (already existing), the LGBTIQ+ public, who could then count on the punishment of their aggressors in cases of insult, incitement to insult, and discrimination.

PLC 122 also provided for addition of articles 8-A and 8-B to Law No. 7.716, which, respectively, would render the following attitudes unlawful: (a) “to prevent or restrict the expression and manifestation of affection in public or private places open to the public, due to the characteristics provided for in Art. 1 of this Law;” (b) “to forbid the free expression and manifestation of affectivity of homosexual, bisexual or transgender citizens, these expressions and manifestations being permitted to other citizens.” Despite the social gain that this Law would have represented and its contribution to full and diversified citizenship, the project was shelved in 2014, after being pending for 8 years.

However, the issue reappeared on June 13, 2019, when, after a trial that has been going on since February, the Supreme Court framed homophobia and transphobia within the parameters of racism crimes present in the well-known Law No. 7.716. Even so, and despite the progress, everything is still on a provisional basis (at the time of writing this article): the criminalization by the Supreme Court remains in force until specific legislation on the subject is approved by the National Congress, the body that has effective power in creating Laws. However, in

some way, the contents of PLC 122, although not effectively transformed into Law, are still in force due to the STF's decision, albeit provisionally.

- Law No. 6.001, of December 19, 1973: I could not fail to mention here the legal measures for protection to indigenous people, although the issue of prejudice or racism, usually the focus of the Hate Speech, is not addressed/defined directly in the text. The Law is very incisive, seeking to assure indigenous populations both the voluntary permanence in their natural habitats (which must be preserved), and the integration into the national communion and their ways of life, which also includes the guarantee of "(...) permanent possession of the lands they inhabit, recognizing their right to exclusive enjoyment of natural wealth and all utilities in those existing lands" (Art. 2, paragraph IX). The Law sets forth, among other things, respect for "(...) cohesion of indigenous communities, their cultural values, traditions, uses and customs" (Art. 2, paragraph VI). The Law reinforces the guidelines of the existing National Indian Foundation (*Fundação Nacional do Índio* – FUNAI), established by Law No. 5.371, of December 5, 1967, which had its statute approved only recently (by Decree No. 9.010, of March 23, 2017, published in the Official Gazette, on March 24, 2017).⁹ FUNAI has the difficult mission, in a continental country, of vast forests and natural reserves, to promote, protect and guarantee the indigenous people's social and human rights, recognizing, once again, their "(...) social organization, customs, languages, beliefs and traditions (...)." ¹⁰

There is no need here to resort to the extensive existing historiography to remember the progressive process of extermination that indigenous peoples in Brazil have been going through since their "discovery" (or invention, I would say). It is, obviously, a persecuted group and, consequently, stigmatized, discriminated, forgotten, even in texts like this. Just to illustrate the current moment, on November

⁹ Information available in the Portuguese language on the FUNAI website, at: <http://www.funai.gov.br/index.php/estrutura-organizacional/estatuto-da-funai>. Access on: March 16, 2020.

¹⁰ FUNAI bylaws, available at the link informed in note 9.

28, 2019, a group of lawyers linked to the Arns Commission and the Human Rights Lawyers Collective (*Coletivo de Advocacia em Direitos Humanos – CADHu*) presented a representation against the then President of Brazil, Jair Bolsonaro, at the International Criminal Court, alleging the existence of a probable incitement to the genocide of indigenous people.¹¹ The President would be acting for the weakening of institutions like FUNAI and not taking an effective position on the wave of fires that hit the Amazon Forest in that period. More recently, on February 5, 2020, during the celebration of the 400 days of government, President Jair Bolsonaro signed a bill to authorize mining in indigenous lands, aiming at mineral and energy exploration, which includes gas and oil, in addition to the construction of hydroelectric or thermoelectric plants.¹² Many portals and organizations have denounced the gesture, even as a violation of the principles contained in the Law for protection to the indigenous people, already enshrined in Brazil.

Ending this section, it can be said that the interest in remembering the above Laws lies, precisely, in the set of clues that they offer us to think about the criteria of characterization and identification of Hate Speech, as well as the peculiarities of the context in which (and for which) it emerges. Even without realizing it, we have already covered here, as will be confirmed below, the so-called conditions of Hate Speech production in Brazil.

3 The “greenhouse” of hate

The notion of conditions of production, also present in a more synthetic way in the word “context,” contains fundamental ancient and modern reflections as a theoretical-practical parameter for the positions assumed in this article. There are several theories that highlight the socio-historical and cultural conjuncture as an important criterion for a thorough evaluation of public statements, as well as for a good

¹¹ News available in the Portuguese language on the *El País* portal, at: <https://brasil.elpais.com/brasil/2019-11-29/bolsonaro-e-denunciado-por-incentivar-genocidio-de-indigenas.html>. Access on: March 16, 2020.

¹² Content available in the Portuguese language on the *Folha de São Paulo* website, at: <https://www1.folha.uol.com.br/mercado/2020/02/bolsonaro-assina-projeto-que-autoriza-garimpo-em-terras-indigenas.shtml>. Access on: March 16, 2020.

analysis and evaluation of their effects, since language does not produce meanings only because of its internal structure. In the ancient Sophistic Rhetoric of Gorgias, and also in the field of speculation of the Greek Pythagoreans (fifth and sixth centuries B.C, respectively), there was already a refined knowledge of these postulates, brought together, in those times, in the word *kairos*. In 1922, this word, usually translated as “opportune moment” (or “opportune circumstances”), was addressed by the renowned Italian researcher Augusto Rostagni:

la mutevolezza dei discorsi è giustificata e richiesta dalla necessità di adattarsi alle *circostanze* [kairós], le quali, in senso lato, comprendono le disposizioni d’animo così dell’oratore come dell’uditore, il momento, il luogo, la persona di cui si parla o a cui si parla, ecc. Bisogna scientificamente conoscere le varie forme di discorso (...) per non urtare contro le regole dell’opportunità (...); variare convenientemente l’eloquio (...); scegliere ciascuna forma in armonia con ciascun caso (...). La retorica, così concepita, diventa per Gorgia e per i suoi discepoli arte del ben vivere, centro dell’educazione.¹³ (ROSTAGNI, 1922, p. 157.)

We know that rhetoric is, in essence and a priori, neither good nor bad: if at any given moment it can reveal itself as an “art of good living,” or the “center of education,” in other circumstances it can also be manipulated as poison, even becoming Hate Speech. Digressions aside, what interests us here is, methodologically, the consideration of the circumstances of the enunciation for the understanding of the discourses and their impacts. It is a very old knowledge that the whole structure of the discourse – the prosodic elements, the lexical choices, the morphosyntax, the style, etc. – is modeled by pressures from its social environment, that is, from its conditions of production, even if unconsciously. This notion is not at all simple, as it might seem. As can

¹³ “The mutability of discourses is justified and required by the need to adapt to the *circumstances* [*kairos*], which, in a broad sense, comprise the moods of both the speaker and the audience, the moment, the place, the person of whom one speaks or speaks to, etc. It is necessary to scientifically know the various forms of discourses (...) so as not to violate the rules of opportunity (...); vary the utterance in a convenient way (...); choose each shape in harmony with each case (...). Rhetoric, conceived that way, becomes for Gorgias and for his disciples an art of good living, the center of education” (ROSTAGNI, 1922, p. 157) (Author’s translation).

be seen, for the ancient Greeks, the context was not reduced to just the “physical circumstances” of the enunciation (the moment, the place and the person), but it also extended to the psychic elements of the subjects in interaction: their states and, we can add (without any fear of incurring anachronisms), their ideologies and social places of speech.

Making a long jump in time, around the 1920s, Bakhtin (2004) translates this theoretical awareness in the light of Marxism. For the author, the discourse is modeled according to its infrastructure, that is, the way society is effectively organized (in terms of hierarchies, social organizations, and mode of production). Therefore, it is about the material bases in which we are inserted: the economic bases, the relations of production, the socio-political structures, the power relations, the class struggle, etc. Such bases not only interfere in the construction of discourses, with their pertinent ideological superstructures, but are also concurrently affected by them, which implies the need to investigate “(...) how reality (infrastructure) determines the sign, how the sign reflects and refracts the changing reality” (BAKHTIN, 2004, p. 41). It is in this sense that, for the Russian author, “the immediate social situation and the broader social milieu wholly determine – and determine from within, so to speak – the structure of an utterance” (BAKHTIN, 2004, p. 113) Thus, any discursive analysis must start, methodologically, by apprehending the social conjunctures of enunciation of texts, without which we would have empty and rudimentary investigations.

If we walk a little more in time, just to remember another important theoretical perspective, we arrive at the notion of conditions of production as defined by Orlandi (2012), based on the Discourse Analysis by Michel Pêcheux, and developed from the 1960s. For these researchers, the conditions of production include the social subjects and the communicative situation that they integrate. Thus, from the point of view of the “physical circumstances” of the enunciation, we would always have an instance of discourse production (A) interacting with an instance of reception (B). However, what is more interesting is that it is not simply two “free” and/or “autonomous” people who communicate with each other: what is involved/at stake, objectively, are “subject positions” defined by very concrete social and ideological factors. For Pêcheux (2010, p. 81),

(...) A and B designate something other than the physical presence of individual organisms. If what we said before makes sense, it follows that A and B designate specific places in the structure of social formation, places from which sociology can describe the bundle of characteristic objective features: thus, for example, within the sphere of economic production, the places of the “boss” (director, head of company, etc.), of the department employee, of the foreman, of the workers, are marked by determinable differential properties.

This means that we speak (and interpret) always from a place of speech affected by social structure and ideology (places of class, gender, sexual inclination, race, etc., we could add nowadays), and these factors structure the discourse (its form and its content) in terms of conditions of production, thus interfering in its effects of meaning. Here, we have another point of complexity: it is not really about, effectively, “places” that communicate with each other, as we have just read, but *representations* of these places in the discourse, coming from the social imagination (of the so-called “interdiscourse”). Let us suppose that, in this sense, it is not quite the place of speech of the “teacher” that communicates with the place of speech of the “student” in a classroom, but, above all, the symbolic projections of these places operated by culture. So, I don’t really communicate, purely and simply, with a “teacher,” but with his/her sociocultural image (hi/her archetype) residing in my subjectivity, even if unconsciously (as I think he/she dresses, talks, thinks, should behave, etc.). These projections are called *imaginary formations*, and are fundamental elements of the conditions of discourse production: it is the image that A and B make of each other’s places (and of the own places) during the communication process, images that interfere in the interpretation and structuring of discourses (in one way and not another).

The interesting thing about this perspective is that the so-called “context” is figured, once again, not just as a “physical circumstance” and/or “static,” that is, a sort of inert frame determining the discursive event. On the contrary, the context also exists only as something represented, apprehensible from other discourses (the interdiscourse). It is in this sense that Orlandi (2012, p. 30-31) also divides the conditions of production into two levels: a stricter context, referring to the immediate circumstances of the enunciation (the so-called “immediate context”), and another context: the wider socio-historical and ideological context.

The latter includes memory, imaginary formations, beliefs and social representations that, as forms of context, affect the emergence and structure of discourses. Unfortunately, I do not have the means here to deepen this notion so important for rhetorical and discursive studies (the notion of conditions of production), but I believe that we already have a sufficient basic parameter to reflect on the so-called Hate Speech from the approach enabled by DA and Rhetoric.

However, before we return to this subject (main focus of the work), it is important to go into a little digression here, especially for those who are more specialized in the field of DA research, even if beginners. It is necessary to briefly comment the concomitant use, in the course of the article, of theoretical perspectives (and of authors) that at first are little compatible with each other. By linking or juxtaposing diverse theoretical-philosophical frameworks, ranging from the old Sophistic Rhetoric to contemporary Discourse Analysis, of a materialistic character (Michel Pêcheux, Eni Orlandi etc.), passing through Bakhtinian dialogism and the Theory of Argumentation in Discourse, by Ruth Amossy, this text is at risk of presenting a very compromising theoretical weakness. Firstly, because it presupposes absolute harmony and consonance between the theoretical frameworks and authors mentioned. Second, by silencing and omitting, in general, the tensions between the approaches, disregarding their fundamental epistemological differences.

On such problems generated by my text, and the flagrant risk of theoretical fragility, I would like to say that the epistemological tensions, taking the different theoretical frameworks in a more comprehensive way (for example: Pêcheutian DA and Amossy DA) exist, and they are not unimportant, which would require a detailed study of all the perspectives listed or even debates and scientific articles dedicated specifically to these issues, involving the possible tensions and approximations between theoretical frameworks constructed in different contexts. Unfortunately, given the main objective of this work – the definition and identification of the so-called Hate Speech – this epistemological task of reflecting on theoretical frameworks (and their tensions) is not feasible, although it is a duty, at least, to underline the existence of these dissonances, so that there are no misunderstandings. Thus, the above intention of bringing together different perspectives to define the notion of “context” and/or “conditions of production” was precisely to show the essential importance of these concepts for a discursive analysis or, even more, to reflect on

any issue of the language in use, since, even with different names (like *kairos*, for example) and with different forms of theorization, such categories and what they represent have been a tonic (or a topic) since antiquity, going through different, even contradictory perspectives. The focus, therefore, in the lines above, was to shed light on the notion of conditions of production in the most plural and rich way possible, pointing to different study paths if the reader is interested. The main question in this article, therefore, is to demonstrate the impossibility of dealing with Hate Speech without due appeal to the notion of conditions of production (or discursive context), regardless of the theoretical framework adopted in the fields of DA or Rhetoric. This being said, we can return to the theme of this work.

Certainly, experiencing or expressing an eloquent anger for that fellow who parked in my spot, for that creature that, without any discernment, fooled me in the supermarket line, or for the “jerk” who shouted some jargon capable of leaving me extremely insulted, does not yet indicate that we are facing Hate Speech; the same would apply, for example, to the exalted expression of an insult to a President, or to the wish that something bad would happen to him (or to one of his supporters). What I would like to propose, based on legal elements and also based on the notion of conditions of production, is that hate (*in itself*), its inner sensation, its externalization to others, are not yet sufficient factors to speak of Hate Speech, although the temptation is great. In my view, *Hate Speech is defined and measured by its effects, according to its immediate and broader socio-historical context*, since the discourse, as will be seen, is an “effect of meaning,” in addition to instituting a complex relationship of mediation between the subject and the world around him/her. I believe that some parameters set by the Laws above allow us to better visualize this mark that constitutes Hate Speech, specifically in the Brazilian conditions of production. For Silva et al. (2011, p. 446),

generically, this [hate] speech is characterized by inciting discrimination against people who share a common identity characteristic, such as skin color, gender, sexual option, nationality, religion, among other attributes. The choice of this type of content is due to the wide scope of this kind of discourse, which is not limited to reaching only the fundamental rights of individuals, but of an entire social group, and this scope is now enhanced by

the diffusing power of the network, especially of social networks like Orkut and Facebook.

The quotation, which also has several of the above Laws as a parameter, helps clarify that the meaning of Hate Speech is prejudice, discrimination, as well as the consequent exclusion of individuals from access to their rights, according to their belonging to specific identity groups. Thus, there is no way to talk about Hate Speech if there is not, as a possible effect, an enunciative force that works to deprive certain segments of society from their access to full citizenship (for example, access to employment, health, education, dignity, goods and services, human rights, respect, etc.). In this sense, if we consider the Brazilian *context* (enslaver and former colony), Laws also help capture the profile of these identity groups. This capture can be done when, precisely, parameters such as race, ethnicity, color, religion, age, physical condition, family situation, sexual orientation, gender identity are mentioned there. Obviously, we are not talking here about any color/ethnicity, or any religion, sexual orientation (and so on), as it is not difficult to conclude that, in Brazil, prejudice and stigmatization fall systematically into very specific addresses: black people, poor in general, women (pregnant women), older adults, people with disabilities, practitioners of non-Catholic religions, LGBTIQ+ individuals, and even profiles not mentioned (but often linked to the previous ones), such as overweight people, homeless people, prostitutes, people from rural areas and urban peripheries, etc.

Thus, it can be considered that Laws have a responsive character, bringing deep marks of their context. In the above cases, they would be the result of extensive pressure processes and struggles in favor of preserving access to citizenship and the well-being of social actors who, for different historical and cultural reasons, are in a situation of psychosocial and economic vulnerability. In this perspective, it does not make sense to diagnose as Hate Speech, for example, cholera or possible insults to Christians (“Cristophobia”), to whites (the so-called “reverse racism”) or to heterosexuals (the supposed “heterophobia”). This reasoning, devoid of the awareness that the constitutive trait of Hate Speech are their possible effects, contextually based, would have the magical power to fall into at least non sense expressions, such as (appealing to a bad taste creativity) “reverse machismo” (men feeling discriminated) or (unthinkable) prejudice against healthy people, without

disabilities, on the part of those who suffer from a physical problem. However, in a world where one speaks of “discrimination against the rich” or even the “flat” structure of the Earth, the noise of ideological fallacies of this kind is which has been the most common to us.

In the Brazilian context, research and surveys (there is no space to list all of them here, or in detail) show us that men, Christians, whites, heterosexuals or healthy people are not usually excluded, due to these same parameters (or identity traits), from access to citizenship, nor persecuted or violated because of their unavoidable profile. They can be cursed, it is true, they can even be victims of negative affection (or physical violence), but that would not be exactly Hate Speech. Hate Speech, due to its effects, would tend to deprive such groups of the enjoyment of their rights and of fair social insertion, but it is certainly not what happens in the case of the profiles mentioned. The opposite is demonstrated, to quote a recent survey, by the 2019 Atlas on Violence, released in June of that year by Institute for Applied Economic Research (*Instituto de Pesquisa Econômica Aplicada – IPEA*) and Brazilian Public Security Forum (*Fórum Brasileiro de Segurança Pública – FBSP*)

According to the survey, Brazil had 618,000 deaths from homicide recorded in a decade (from 2007 to 2017), of which 75.5% were of black people. More than that, the murder of people associated with this ethnic profile increased by 33% over the same period, while the homicide of non-blacks grew at a much lower rate: 3.3%. The study, for the first time, included an analysis of violence against the LGBTIQ+ population. The data were based on information recorded by the *Disque 100* channel, which receives reports of human rights violations in Brazil. Although in the period studied (2011-2017), violence and bodily injuries against the LGBTIQ+ community varied, and often decreased (which may not yet reflect reality, depending on the visibility given to the problem and the insufficient dissemination of the *Disque 100* channel), which clearly calls attention is the increase in homicides: in 2011, five cases were reported, jumping to 193 cases in 2017, with a growth of 127% in the last year.

There are also other sources and social movements with other data and surveys. The International Day Against Homophobia, Transphobia and Biphobia, celebrated annually in May 17, was the subject of discussion at the Senate Commission on Human Rights and Participatory Legislation (*Comissão de Direitos Humanos e Legislação Participativa – CDH*), on May 16, 2018. There, terrifying numbers surfaced, as summarized by two

stories from *Rádio Senado*:¹⁴ in 2017, for example, according to the *Grupo Gay da Bahia*, 445 cases of murders of homosexuals were recorded in Brazil. The same group, in 2019, estimated an average of one death due to homophobia every 23 hours, encompassing murders and suicides.¹⁵ In turn, Transgender EuropeNGO, states that, between 2008 and June 2016, 868 transvestites and transsexuals died in a violent manner. The then public defender and member of the *Grupo Identidade de Gênero e Cidadania*, Atanásio Lucero Júnior, also informed the Human Rights Commission that one transgender or transvestite person is murdered every 48 hours in Brazil. Thus, while the average life expectancy in Brazil is 75 years, this social category has an expectation of only 35 years of life. Much of this is explained because 90% of transgender or transvestite people end up resorting to prostitution, as they are generally not accepted by the family, which automatically results in their exclusion from access to formal education and employment. With all this, Brazil is known as the country where the highest number of homosexuals are killed *in the world*, in addition to being the scene of a profound systemic racism, as already seen.

The issue of exclusion and precariousness also invades the field of employment and wages. The Continuous National Household Sample Survey (*Pesquisa Nacional por Amostra de Domicílios Contínua – PnadC*), of the Brazilian Institute of Geography and Statistics (*Instituto Brasileiro de Geografia e Estatística – IBGE*), issued on November 13, 2019, presents a well-known panorama: the wage gap between white and black people in Brazil was found at 73.9%. On average, the monthly income of the first group is around R\$ 2,796, while that of the second is R\$ 1,608. In this noxious gear, and without going into further details, it appears that women (and precisely because they are women) generally earn much less than men, even in identical positions; in the case of black and brown women, the discrepancy increases even further, and

¹⁴ Numbers available in the Portuguese language at: <https://www12.senado.leg.br/radio/1/noticia/brasil-e-o-pais-que-mais-mata-homossexuais-no-mundo>; <https://www12.senado.leg.br/radio/1/noticia/cdh-debate-o-dia-mundial-contra-a-homofobia-celebrado-em-17-de-maio>. Access on: March 16, 2020.

¹⁵ Data available in the Portuguese language on the globo.com channel, at: <https://g1.globo.com/sp/sao-paulo/noticia/2019/05/17/brasil-registra-uma-morte-por-homofobia-a-cada-23-horas-aponta-entidade-lgbt.ghtml>. Access on: March 16, 2020.

downwards. With regard to women, in Brazil, it should also be noted that the rate of femicide (4.8 to 100 thousand women) is the fifth highest in the world, according to the World Health Organization (WHO), divulged by the United Nations Brazil portal.¹⁶ The article still tells us the following:

in 2015, the Map on Violence on homicides among the female public revealed that, from 2003 to 2013, the number of murders of black women grew 54%, from 1,864 to 2,875. In the same decade, there was an increase of 190.9% in the victimization of black women, an index that results from the relationship between white and black mortality rates. For the same period, the annual number of homicides of white women fell 9.8%, from 1,747 in 2003 to 1,576 in 2013. Of the total femicide rate recorded in 2013, 33.2% of the murderers were victim' partners or former partners.

Anyway, gender violence in Brazil is striking and, if unfortunately it affects white women, it is even more cruel in the case of black women, which in 2016 led UN Women, in partnership with the Brazilian Government, to publish the "National Guidelines (Femicide) to investigate, prosecute and judge with gender perspective the violent deaths of women,"¹⁷ containing protocols for investigation and action to reduce negative statistics.

Going further, the bloodbath does not end in this funeral pace (if it will ever end). It is also necessary to mention the historic massacre of the indigenous people, also victims of all types of verbal violence. It is possible to briefly mention, as an example, a piece of news on *R7 Portal*,¹⁸ of April 2018, based on the FUNAI website and a specialized bibliography.¹⁹ According to the text, Brazil leads the genocide of indigenous peoples in Latin America. If, in 1500, these lands had about 4 million original inhabitants, today the number would not exceed 470

¹⁶ Available in the Portuguese language at: <https://nacoesunidas.org/onu-femicidio-brasil-quinto-maior-mundo-diretrizes-nacionais-buscam-solucao/>. Access on: March 16, 2020.

¹⁷ Available in the Portuguese language at: http://www.onumulheres.org.br/wp-content/uploads/2016/04/diretrizes_femicidio.pdf. Access on: March 16, 2020.

¹⁸ Available in the Portuguese language at: <https://noticias.r7.com/prisma/nosso-mundo/brasil-e-lider-disparado-no-genocidio-de-indios-na-america-latina-24042018>. Access on: March 16, 2020.

¹⁹ For those interested, refer to: Damiani; Pereira; Nocetti (2018).

thousand indigenous people in villages. To this day, as already mentioned in the previous section, their rights are constantly threatened by several of our leaders, as well as landowners, mining companies, plants, and industries.

Without being able to reach conclusion, I limit myself to saying that there are many more relevant details in all the surveys and estimates above, in addition to the existence in Brazil (and in the world) of several other studies, capable of showing us a cruelly excluding and uneven country. I cannot list here – and this is not even the objective of this work – all the details of all social profiles that suffer discrimination in our country, or more comprehensive data and/or the crossing of this information, which would also be an important methodology for understanding our situation. The small sample was listed just to reinforce the central idea of this article: it makes no sense to talk about Hate Speech when there is no rhetorical (possible) effect of social exclusion of any identity group in a situation of psychosocial and/or economic vulnerability, or that persuasively acts in that direction.

Hate Speech is systematic, articulated, non-accidental, and obeys the structure of class conflict within the particular dynamics of the mode of production of the system in which it is born, and can only be measured and identified by its possible effects of exclusion, segregation, and social discredit. A street black boy's rage at the white child, mom's princess, who leaves the mall in the prime area with her Italian ice cream, is not Hate Speech (the white child will not be socially excluded by this unsystematic, disjointed and accidental affection); irritation, fierce criticism or cursing, coming from an LGBTIQ+ citizen and directed at a man who brags about his masculinity (within his traditional and heteronormative family) is not Hate Speech either, because this ("standard") subject will not be excluded, due to this feeling, from social opportunities, nor will this verbal violence lead, as a possible effect, to his beating or murder, moved by the socio-identity class to which he belongs, in a recurrent and systematic way.

As also suggested by the aforementioned quotation by Silva et al (2011), Hate Speech does not only affect the individual, but the entire social group to which he/she connects in terms of common identity characteristics. In other words, if the individual is apparently affected in his/her 'human person' (private), this is, in fact, due to his/her belonging to a vulnerable identity profile, and not due to his/her singular nature

or personal attitude. It is why Hate Speech, although unconsciously, is organized, systemic and provided with the rationality inherent in class struggles and dominant ideologies (racism, capitalism, Christianity, conservative discourse, etc.).

In short, Hate Speech is social/collective, a class weapon, and a mechanism of exclusion. Another example: a particular Catholic Church may be plundered by “vandals,” Catholicism may even be blasphemed occasionally, but violent attacks on *Candomblé* courtyards and/or religions of African origin in Brazil have a (non-accidental) systematic recurrence, inflated by racist discourses, stereotypes and distortions typical of black culture, produced by fundamentalist (Christian or neo-Pentecostal) perspectives. According to the *O Globo* Portal,²⁰ in 2014, based on the records of the *Disque 100* channel, half of the courtyards were attacked in Rio de Janeiro alone.²¹ A more recent piece of news shows us that reports on discrimination (against religions of African origin and their worshipers) increased 5.5% in 2018, compared to 2017. According to it: “there were 152 cases in 2018, compared to 144 in 2017. The data are from the Ministry of Women, Family and Human Rights (*Ministério da Mulher, da Família e dos Direitos Humanos* – MMFDH), which receives complaints through *Disque 100*.”²²

²⁰ Available in the Portuguese language at: <https://oglobo.globo.com/sociedade/levantamentos-mostram-perseguiçao-contra-religioes-de-matriz-africana-no-brasil-13550800>. Access on: March 16, 2020.

²¹ According to the 2014 piece of news, “*Candomblé* and *Umbanda* worshipers – who numbered almost 600 thousand people in the 2010 Census – are the most attacked in Brazil. From January to July 11 of that year, they were victims in 22 of the 53 reports on religious intolerance received by *Disque 100*, from the Presidency’s Human Rights Secretariat, according to a survey done at O GLOBO’s request. In 2013, 21 out of a total of 114 reports were made by supporters of Afro-Brazilian religions. But the segment was also the one that was most attacked this year. The study “*Presence of axé - Mapping courtyards in Rio de Janeiro*,” by PUC-Rio researchers, also brought the attacks on Afro-Brazilian worshipers. Of the 840 courtyards listed, 430 suffered from discrimination. More than half (57%) in public places. Among these cases, most of them occurred on the streets (67%).”

²² Available in the Portuguese language at: <https://g1.globo.com/sp/sao-paulo/noticia/2019/11/20/denuncias-de-discriminacao-religiosa-contra-adeptos-de-religioes-de-matriz-africana-aumentam-55percent-em-2018.ghtml>. Access on: March 16, 2020.

Due to the indicial and responsive nature of Laws, as well as some of the surveys above, we can have at least a panorama the conditions of Hate Speech production in Brazil. It would not be exaggerated to say that our country is characterized as a true “greenhouse” for the cultivation of hate, or rather, an immense “breeding ground,” with all the climatic conditions (of temperature and pressure) for its classist latency and bloom. We are immersed in the dawn of a very racist society, as well as a hyper-macho and homophobic atmosphere, which already triggers the explosion of haters of all kinds in the urban and virtual scene. If every discourse is a response to other previous discourses or attitudes (as Bakhtinian dialogism says), Laws confirm that, in these lands, access to formal jobs or commercial establishments for people is usually blocked due to the color of their skin (the darker, the worse), their gender (female), and their sexual orientation (LGBTIQ+), not to mention the indigenous issue, or the attacks on subjects on account of their social class (poor), religion (especially those of African culture matrix, such as *Candomblé* and *Umbanda*), or ideology.

The difficulties, the relentless resistance, of enforcing (or simply approving) some bills, as was the case with PLC 122, also shows us the conservative indisposition in our context to promptly combat symbolic, physical and cultural violence that have affected us for decades, if not centuries. At the end of this section, I will now proceed to reflect on some more conceptual characteristics of Hate Speech to further show how it can manifest in concrete social texts.

4 The “explosion” of Hate Speech and its symbolic recurrences

It would be interesting to make here, as was done at the beginning of the previous section, a quick theoretical incursion, this time to address the very concept of “discourse.” The Sophistic Rhetoric, with Gorgias, once again, has an interesting view on language, quite compatible, in my view, with the “magic” present in social networks and with the audiovisual apparatus of modern times, since it emphasizes, in the discourse, its degree of witchcraft and incantation through emotional drives (the so-called “psychagogy”). In his *Encomium of Helen*, this is how the power of discourse – as tyrant that it is – accomplishes great things:

[...] Speech is a powerful lord, which by means of the finest and most invisible body effects the divinest works: It can stop fear and banish grief and create joy and nurture pity. [...] Sacred incantations sung with words are bearers of pleasure and banishers of pain, for, merging with opinion in the soul, the power of the incantation is wont to beguile it and persuade it and alter it by witchcraft [...] (GÓRGIAS, 2005a, p. 129-130.)

The great achievements of the discourse are, in fact, the impacts of rhetoric/argumentation by means of *pathos*, which could imply in changing our opinions, behaviors and affections. Thus, in Gorgias, this argument would not reside only in rational schemes or typologies of mental operations (deduction, induction, association, dissociation, etc.), but, above all, in the illusory force of the entire language (lexical choices, styles, modalizers, rhythm, timbre, intonation, which would include, one might add, the current technological tools). There is nothing more pertinent to understand the discursivities of a time (today) when one is more persuaded by the repetition of content via WhatsApp than by rational schemes of argument, more by memes and fake news than by the demonstration of sources and data. This dimension of “witchcraft” and “incantation” of language is precisely due to the inability of *logos* (or “discourse”) to fully correspond to the things of the world, a constitutive inability that can be manipulated – if we want to enter into closed dualisms – both for good and for bad. It is a tragic (and known) “imperfection” of language, if the case is to communicate something in a reliable way. In his *On Non-Existence or On Nature*, Gorgias comments on the opacity or imperfection of the sign as follows:

For if existent things are visible and audible and generally perceptible, which means that they are external substances, and of these the things which are visible are perceived by the sight, those that are audible by the hearing, and not contrariwise, how can these things be revealed to another person? For that by which we reveal is *logos*, but *logos* is not substances and existing things. Therefore we do not reveal existing things to our neighbors, but *logos*, which is something other than substances. Thus, just as the visible would not become audible, and vice versa, similarly, when external reality is involved, it would not become our *logos* [...] (GÓRGIAS, 2005b, p. 117)

Gorgias points to us, therefore, the impossibility of the word embodying a definitive or essential Truth, due to its own nature, substance and materiality. It is in this sense that rhetoric, in a sophistic context, was already a property of the entire language, as well as its inability to achieve things as they *are* (or *are not*). Before being a set of pieces of reasoning, Rhetoric is already, primarily, in the non-transparency of the sign. Centuries later, the Discourse Analysis of Eni Orlandi, based on Michel Pêcheux, would again highlight, although with other terminologies, these old notions, emphasizing the character of “deception” and “mistake” as a constitutive feature of every discourse. Orlandi (2012) also defines discourse as an artifact of *mediation* between the subject and his/her social reality, just as, we could also say, a *mediation* of the subject with himself/herself and with others. It can be said, therefore, that our relationship with life is rhetorical, that is, mediated by language, albeit unconsciously, and in that sense the definition of discourse, from the Pêcheutian perspective, is quite favorable, whereby the “discourse = effect of meaning,” an effect that depends less on the author’s intention than on the already mentioned text conditions of production and circulation, in which the interlocutor, with his/her values, imagination and social representations, is a key part of the interpretative process.

Here, as in the previous section, another digression is needed to explain the combination of different theoretical perspectives, undertaken this time in favor of defining the term “discourse.” Here, it is about a visibly wide and deep gap between theories, since the contemporary reflections of the materialistic/ideological DA of Pêcheux (and Orlandi) and the old Sophistic rhetoric of Gorgias are linked, which could be perfectly contested as an epistemological possibility, mainly by practitioners and followers of the first perspective. The reason for this possible challenge is explained, in detail, on another occasion (GALINARI, 2016). In short, the fact is that Pêcheux’s studies (and his followers’), as we know, generally endeavored to extricate themselves from Rhetoric, concluding by the incompatibility of the two fields, which is contested in my aforementioned quoted reference. This is because, for Michel Pêcheux, Rhetoric presupposes an absolute subject, that is, owner of the senses and meanings of his/her own speech, which would culminate, consistently, in a high degree of awareness of the effects of his/her discourse and in his/her full ability to monitor discursive interaction.

For Pêcheux, however, unlike his own way of looking at Rhetoric, none of this would proceed: the subject would actually be a *subordinate* subject, influenced by discursive/ideological formations based on his/her subjectivity by the gaps in the unconscious, so that it is impossible for him/her to have awareness or absolute control of what he/she says (and of the source or authorship), which would make it impossible to fully monitor the impacts resulting from an enunciation. The “effect of meaning” would thus be a result of the entire context, including the conditions of production, the interlocutors, the imaginary formations of the interactants, etc.

However, I was able to demonstrate in Galinari (2016) that, when referring to Rhetoric, Pêcheux is limited only to Aristotelian rhetoric, which cannot, in turn, claim to represent the entire tradition of studies in this field, which at the very least, would include the perspectives of the sophists, Cicero, Quintilian, etc. In addition, the author reduces (Aristotelian) Rhetoric to a technique, which also presupposes the subjects’ awareness and monitoring: “remember that, for Aristotle, rhetoric is a technique which allows the artificial production of a result” (PÊCHEUX, 2009, p. 28). Now, if we reduced Rhetoric to a simplistic, technical and artificial procedure, obviously there could not even be compatibility between contemporary discursive studies and ancient Rhetoric (as if this were just one: Aristotelian). Even though the idea that Aristotelian Rhetoric, itself, is reduced to a “technique” is perfectly contestable, the broad view of this art present in Sophistry, a perspective totally unknown to the Pêcheutian followers, is totally different from what they proclaim. It is a philosophical rhetoric, of a theoretical nature, which demonstrates the interference of culture and social conventions (*nomos*), as well as the contexts of communication (*kairos*), in the effects and meanings of things, and all this in spite of the desire or the absolute control of the subjects, who are never self-sufficient. In short, Rhetoric here, before being a technique, was primarily the non-transparency of discourse, incapable, by its own material nature, of fully reaching an infallible truth (as seen above). It is precisely at this moment, as can be seen from the Gorgian quotations used in this article, that we could punctually approach (albeit recognizing substantial differences) Pêcheux’s reflections on the discourse and the sophisticated considerations of the ancient world: for both perspectives, as demonstrated in more detail in Galinari (2016),

despite the gap in terminologies, the discourse is crossed by deception, misunderstanding and opacity, phenomena resulting from its constitutive non-transparency, worthy of incantation and witchcraft. That said, let us return, once again, to the theme of this article.

As seen above, Hate Speech is characterized by its collective character, and is definitely measured by its effects. Silva et al. (2011), based on legal theory and practice, characterize this sort of statement by two of their intrinsic qualities: discrimination and externality. The first “quality,” based on the authors, would be constituted by the main effect of meaning of statements of this nature: to harm the dignity of the human person by death, affecting their social rights, as well as the right of groups to exist, within the rule and normality. As we have seen, Hate Speech would tend to deprivation of citizenship, through discrimination, of people connected by issues of color, race, sex, nationality, and several other possible attributes (ideas, origin, physical condition, etc.).

In this sense, Hate Speech segregating spell predicts/presupposes, subjectively, that the enunciating subject experiences a feeling of superiority in relation to the target subject (SILVA et al., 2011, p. 447). This “effect of meaning”, this form of discursive mediation and, above all, this superb psychological framework, are also clarified by the relationship that the word “hate” has, etymologically (in French), with the term “irritation.” According to Lebrun (2008, p. 14), “(...) irritation comes from *inodiare*, formed by the Latin phrase *in odio esse* – to be in hate –, a way, therefore, to understand that hate lodges in disgust.” It may even be added that hate could arise from the strangeness of a (cultural, ethnic, sexual, ideological, physical, etc.) difference, culminating, as a resolute option (there would be the path of understanding ...), in the rejection of otherness and, even, in disgust.

This disgust much explains the meaning of the word “discrimination,” which can be defined as “(...) disdain for people who share some characteristic that makes them part of a group,” and that can therefore be seen as “(...) unworthy of the same citizenship as the issuers of this opinion” (SILVA et al., 2011, p. 448). For these authors, the individuals’ (concrete or abstract) characteristics are multiple, which can be identified and, therefore, discriminated in a given culture, which brings to Hate Speech two action tools:

insult and instigation. The first concerns the victim directly, consisting of aggression against the dignity of a certain group of people because of a trait they share. The second is aimed at possible “others,” readers of the demonstration and not identified as its victims, who are called to participate in this discriminatory discourse, expand their scope, foster it not only with words but also with actions. (SILVA et al., 2011, p. 448)

Both the insult and the instigation of insult need to be publicized, or better, they need to go into circulation, spreading “like a plague” in the public sphere if they want to be successful. For the authors, imprisoned in thought, hate would not violate fundamental rights: “Non-external discourse is thought, emotion, hate without speech; and it does no harm to anyone who may be its target, since the idea remains in the mind of its author” (SILVA et al., 2011, p. 447). Therefore, hate in a mental state (“inoperative,” as I understand it) would not be subject to legal intervention (given that, in this view, “thinking is free,” as the authors point out). This transposition from the mental plane (abstract) to the factual plane (concrete) is called, in the mentioned work, *externality*, another fundamental quality of Hate Speech.

Here, it is worth emphasizing that I can agree that hate, in a strict state of mind, is not subject to legal intervention, in the sense that it obviously leaves no visible trace (or evidence), but I am afraid to admit that it is a “hate without speech,” or that it would thus be unable to cause any harm to its target. Even in silence we recriminate (with looks, gestures), even in a state of internal fury (and not shown), such affection, sooner or later, can be transmuted into aggressions, indifference, consents of all types, violence and sabotage. Bakhtin (2004) allows us to affirm that there is no inner activity (inner thinking) without the symbolic one, because although confined in our neurons, our ideas, affections and thoughts do not (romantically) spring from a “soul,” from a “spirit” or an “energy of nature,” but from an inter-individual space inhabited by ideological signs. Therefore, even non-expressed hate is discourse, equipped with all the complexity, psychosociocultural and ideological rationality, about to come out of the hole and undertake its hunt.

It is interesting to note here, adding the psychoanalytical approach of Lebrun (2008) that we, human beings, by our very nature, have already characterized ourselves as a “living context” for hate, and the first fault

of this condition is alterity, this “ghost” of the other that haunts us since the earliest childhood. For Lebrun (2008, p. 14), it is not necessarily a physical presence, but the (un) awareness that a place of/for the other exists, even if virtually. And this other imposes himself/herself on us, puts us against the wall; I would even say that this other embarrasses us, threatens us, watches over us, hindering our freedom here and there, in an imaginary (paranoid) way or not. For the authors, our fathers and mothers would be the “first others” to constitute and bother us, followed by society. In this perspective, hate ends up being, also, the “(...) vestige that the other has hit us, at least once.”

Based on this, I would also venture to say that, in addition to disgust, another key feature of hateful subjectivity would be *fear* as a psychic and emotional background. In this sense, the “other,” at whom I socially direct my hate, reveals himself/herself as a threat, often a sort of “agent of evil,” who will steal my privileged place or even act in favor of my destruction. This would explain, on the part of a certain elite (or part of the Brazilian middle class), the prejudice against poor people who travel by plane or go to airports, or the discomfort with the black family, for example, which is having dinner in that “sophisticated” restaurant in the prime zone, which was once theirs. The other’s panic, projected as an enemy, coupled with disgust, would also end up being part of the conditions of Hate Speech production. As we have seen, the context of emergence of discourses does not include only the “physical circumstance” of the enunciation (the places of speech), but the imaginary element about such places that are in a given society.

Our parents, the “first others,” would also have given us another key for us to be, naturally, a “living context” for the ferment and ebullition of Hate Speech: the acquisition of language.

It might seem strange, but for the authors, it is precisely that: we hate because we speak, and for our impotence in the face of language, which also dominates, deceives and fools us:

But what does speaking entail, which would thus handle our hate? It is that speaking implies emptiness. Speaking supposes retreat, implies no longer being connected to things, to be able to distance ourselves from them, not to be just in the immediate, in the emergency. Thereby, speaking requires relinquishment, desideration, speaking demands an obligatory detour, loss of the immediate. Speaking makes us lose our adequacy to the world,

always makes us unsuitable, inadequate; then we can rejoice for what language allows us but we can also lament what language made us lose. This loss has also left us with a bit of permanent depression, irreducible dissatisfaction. (LEBRUN, 2008, p. 16.)

The lack, the emptiness of things, the distance, the irremediable discomfort: hate seems to find its habitat, therefore, in the anguish constantly installed in our psychic framework, due to the non-transparency of language. It is a genuinely tragic sensation: we are condemned to eternally seek a truth for our existence – what, then, would life be? –, an indisputable sense for things, for everyday facts, for ourselves and for others – who am I, what does the other represent? –, but the constitutive feature of deception and misunderstanding in the discourses (which is, in fact, their rhetorical trait), keeps us away from this possibility of irreproachable knowledge. All of this would culminate in our eternal condition as subjects: half anguished, half angry, a hate bomb about to explode at any moment, even if it remains inactive for a long time.

So far, then, we have some of the main characteristics of Hate Speech, as well as its psychosociocultural and historical conditions of production. To conclude this article, I would like to point out some possible discursive recurrences of Hate Speech (which should always be evaluated according to the context, as shown above). It is not a complete list, much less infallible, but it could work, together with other reflections, as a guide for analysis and identification of potential hateful discourses in the public sphere. Depending on the conditions of discourse production, or rather, the specificities of each case (or corpus) investigated, the discursive operations below can be the trait, that is, the indication that we are facing the phenomenon in question, as well as its deflagrating rhetorical element. They are the following:

1) *Construction of stereotypes*: conceiving it as a phenomenon linked to the domain of collective representations, Amossy (2018, p. 130) synthesizes the notion of stereotype as follows:

(...) in the strict sense of the term, stereotype can be defined as a simplified and fixed collective representation or image of beings and things, which we inherit from our culture and which determines our attitudes and behaviors. Sometimes considered a belief and sometimes an opinion, it always concerns the pre-

built and is often related to prejudice. In the practice of sociology questionnaires, it is apprehended and described with the help of the attributive method: a series of adjectives that characterize it are associated with a group (...). The notion of stereotypes is mainly used in the social sciences to determine the images of the other and of oneself that circulate in a certain community.

Thus, the manipulation of the “non-transparent” property of language to qualify and judge groups contributes, directly or indirectly, to the construction of negative stereotypes, able to present or rhetorically trigger Hate Speech. Given the theme of this article, I believe that it would be interesting to approach the stereotype with the help of three other pertinent notions, fruits of the research undertaken here: objectification, exoticization and stigmatization.

1-a) Objectification: in my view, it is about removing from the human being (or a group) the character of humanity, in the full sense of the word – social, affective, economic, racial, cognitive, ideological, etc.–, canceling it or reducing it to a “thing” or an “object.” This also seems to be a very common discursive procedure, capable of both triggering/strengthening Hate Speech, and really characterizing its social occurrence. A barbaric example of this type of discourse is found in the “argumentation” of the four young people and a minor who, on April 20, 1997, set fire to Galdino, an indigenous person from the *Pataxó* people, who was sleeping at a bus stop in Brasília (one day after the Indian Day).²³ Galdino died shortly after arriving at the hospital, with 95% of the body burned. The privileged and middle-class (*white*) young people tried to minimize or justify the murder, claiming that their intention was only to “play” with Galdino, as they believed he was “a beggar” (and not an indigenous person). Clearly, a serious assumption is raised with such an “argument,” prone to dehumanizing the homeless people, clearly designed as toys, or worse, as “objects” (or “things”) available for bizarre amusements, such as those made with insects, when burned or tortured by children and adolescents. Objectification is also very common in the macho and/

²³ It can be revisited through piece of news in the Portuguese language at: <https://www.geledes.org.br/tragedia-de-indio-galdino-queimado-vivo-em-brasilia-completa-15-anos/>; <https://acervo.oglobo.globo.com/em-destaque/indio-galdino-foi-queimado-vivo-por-cinco-rapazes-em-brasilia-em-abril-de-1997-11510805>. Access on: March 16, 2020.

or patriarchal view of our society, which, as a symbolic power, imposes social stereotypes on/for women. An Instagram page, suggestively named “@sujeitohomem” (male individual) exemplifies the phenomenon in question very well, as we see in the three memes below, among so many available on the network:²⁴



²⁴ Several examples from the internet, used here as an illustration, have a black stripe hiding the individuals' name.

In the first text, a heteronormative male point of view (the “male individual,” literally) reveals ardent and/or erotic dreams about “his friend’s former girlfriend,” who is in hyper-sexualized position and clothes, that is, as an “object” (which belonged to him) and which is now available for the enjoyment of another man. In the second image, everything happens as if we were facing an ideal of a domesticated animal, well treated and available for male sexual delight (“washed hair,” “fragrant skin”), ideally reproducing the figure of the women limited to household activities, kitchen and cooking roles. Finally, in the third image, the categorical statement rejects the possibility of a woman being able to have a male friend, especially if she is already in a relationship, which places her, again, as an object of male possession, that is, at the exclusive disposal of his pleasures (the woman, in this sexist imagination, would thus be nothing more than an object of delight/enjoyment). All of this is amplified by the comments on the side (“girlfriend with best friend is the same as a slice of cake on the table, at some point somebody tastes it!” And “Ridiculous and the excuses that the woman invents later”). The first of them represents the woman as a passive/inert subject, that is, a “thing” that, outside of male watch and possession, can be taken at any moment. Then, the reproduction of another stereotype: the woman as a being skilled in lying and making clumsy excuses, which also suggests her “natural” propensity for betrayal and lust. The examples, therefore, objectify and control, heteronormatively, the image of the woman, who can become, we know, a victim of domestic violence, or of femicide, if she does not have this pattern of behavior (that is, if she comes to have something more than the [standard] own body as an identity, if she is independent/autonomous, if she has male friends, or even if she comes to “betray”).

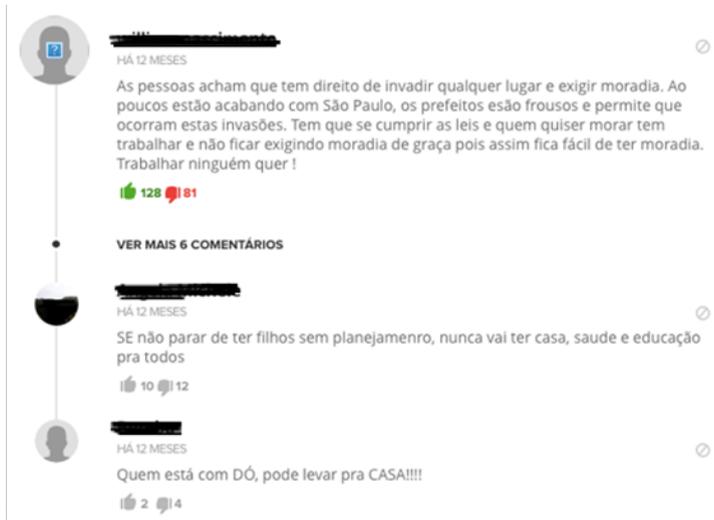
1-b) Exoticization: Machado (2003, p. 20), in his study on the exoticization of Brazilian immigrants in the city of Porto (in Portugal), and against theoretical perspectives that consider exoticism an “aesthetic of the diverse” or, even, a “ethical relation” towards otherness, defines the phenomenon in a negative way, that is, as “movements of exacerbation, solidification and essentialization of stereotypes.” For the author, it is a

(...) hegemonic project of cultural domination of the Other (and of the same) that fixes and essentializes differences that are not fixable – because we share a dynamic vision of the concept of culture –, in addition to producing “exotic” representations of colonized or dominated peoples. (MACHADO, 2003, p. 20.)

The one who exoticizes also seems to start from a feeling of superiority, as already pointed out in the psychic characterization of the hateful subject, due to the strong *domestication* content present in the exoticization: “the very idea of the exotic is only possible through domination and domestication of what is different, not by a ‘mélange’ [mixture] with otherness” MACHADO, 2003, p. 20). Although the author’s study is restricted to the case of Brazilians in Portugal, exoticized based on eroticism, laziness, joy/sympathy and trickery, I believe that the concept can be applied in general to other contexts, as in the case of domination class and/or groups within the same nation (that is, between “fellow citizens”). It seems to me that the last two examples of objectification above, in terms of the representation of women, contain something exotic, precisely because they represent the female sex as “something” to be domesticated/dominated, due to, rumor has it, their “exotic,” “natural” predisposition for lies and/or betrayal. Thus, there seems to be something wild about exoticism, which may fall, as we will see, into rudeness.

There are discursive manifestations of more subtle exoticizations, such as those presented in the comments below, which are responses to a piece of news on G1,²⁵ which reported a tragic fire that hit *Favela do Cimento*, on March 23, 2019, in the East Zone of São Paulo, where about 215 people in vulnerable situations lived, among which 66 children. Three of those comments are below:

²⁵ Piece of news available in the Portuguese language at: <https://g1.globo.com/sp/sao-paulo/noticia/2019/03/23/incendio-atinge-favela-no-entorno-do-viaduto-bresser-reintegracao-de-posse-estava-marcada-para-este-domingo.ghtml>. Access on: March 16, 2020.

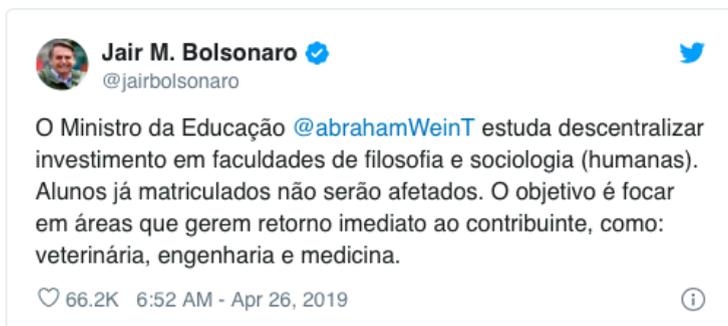


It is interesting to notice, in addition to the last comment, which ridicules and despises the community's residents, the subtle (but eloquent) exoticization that occurs in the previous interventions. In the first, we are introduced to hordes of demanding, boastful, work-averse invaders, enemies of the law, and almost lovers of a “*dolce vita*,” as if all this were a “ferocious instinct,” a work of nature or a grotesque animal tendency. The exoticization is consecrated, discreetly, in the second comment, which still presents us with a “wild condition” to be domesticated, typical of those animals that live to breed indefinitely. Far from the standards of civilization, therefore, they become easy prey for Hate Speech, as the last comment shows us. Below, another example:

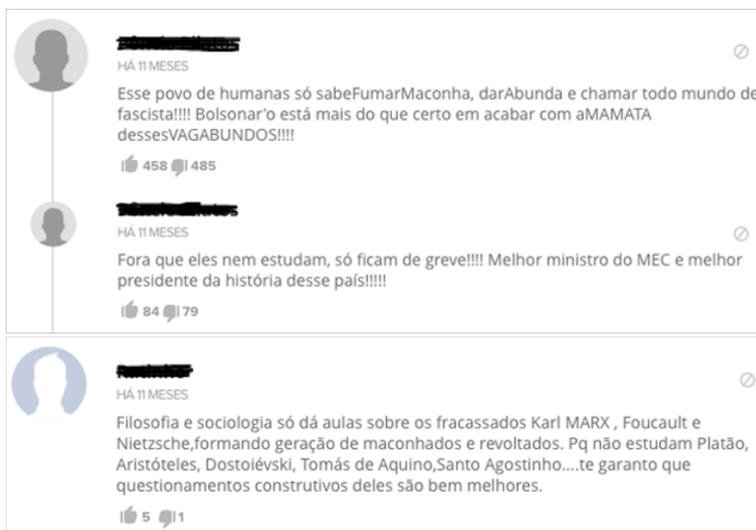
On April 26, 2019, another piece of news on G1²⁶ addresses a speech by the then Brazillian Minister of Education, Abraham Weintraub, who, on the previous day, signaled the possibility of “decentralizing” investments for the Philosophy and Sociology courses. The procedure (in practice, a cut of resources) would aim to value investments that, for the government on duty, would imply “in-fact” social returns for

²⁶ Available in the Portuguese language at: <https://g1.globo.com/educacao/noticia/2019/04/26/bolsonaro-diz-que-mec-estuda-descentralizar-investimento-em-cursos-de-filosofia-e-sociologia.ghtml>. Access on: March 16, 2020.

the country, valuing the exact and biological sciences areas (Medicine, Engineering, Veterinary Medicine, etc.). In the face of criticism from universities, which denounced this perspective as an attempt to destroy the Humanities courses, President Bolsonaro emphasized its support for the Minister with the following posting on Twitter:



In view of this issue, the aforementioned G1 piece of news generated several comments and discussions, including posts supporting the President and his proposal, containing several examples of exoticization of those studying the Humanities in general:





Without going into detail, we can extract from all the above posts the exotic stereotype of the so-called “Humanities people,” quite common in our society: fierce disciples of marijuana, supporters of brazen homosexuality (represented by the pejorative expression “*dar a bunda*” (to have anal sex)), unashamed lovers of the “*mamata*” (free ride). It address presents a den of “trust-fund babies,” who live smoking

and drinking wildly with the family's money. In general terms, they are "bums" who do not study and only know how to call everyone "fascist", as good parrots they are, because, in this view, they would be just "revolted" people (without cause) who live in an eternal strike state. It is one of those exotic figures, the prototype of the "hippie," who sells its art on the beach (earrings, bracelets, beads etc.), telling jokes, or making that eccentric little sound ("*badauê*") in the evening.

From a political point of view, they are nothing more than "*esquerdopatas mortadelas*" (mortadella leftopaths) that is, alienated people without any "immediate advantage" to the nation's practical life. Proof of this is that they do not have an "entrepreneurial spirit," capable of contributing, for example, to the effective generation of jobs. On the contrary, they are seen as symbols of uselessness and the waste of public money. The *ad absurdum* reductionism, characteristic of every stereotype, still indicates the group as performing studies restricted to Karl Marx, Foucault and Nietzsche (also seen as "*fracassados*" (losers)), as if the Humanities courses (and mainly Philosophy) did not deeply address classic figures like Plato and Aristotle (among others), which is far from true. With all this, we see once again the need for "domination" and "domestication," typical of the feeling of exoticism, which rhetorically justifies the social (and official) damage of an entire group. Another facet of the stereotype is below.

1-c) Stigmatization: in Bourdieu's (1989) view, patterns of behavior and rules of common living are established by social groups and by the way they organize and relate with each other. It is in this dynamic that hegemonic consensus (seen as the "rule" and "normality") are erected, as a result of the dominant classes and their economic power, which end up imposing their own values, representations of the world and ideologies on those at the bottom of the social pyramid. These would be the elementary conditions for the outbreak of symbolic violence, which, in fact, is a symbolic power exercised from top to bottom, dictating ways of being, behaving, and/or feeling the world. And, obviously, if there is something that is considered "normal," that is, the "standard," it automatically opens up, in the terms of Goffman (2008), a field for the production and dissemination of social *affections*. The proclaimed human qualities given as "out of square," capable of generating disgust, displacement, prejudice

or discrimination, range from the so-called physical disabilities, such as mutilation or burns, for example, to racial, sexual, socioeconomic characteristics, etc., designed as negative identity marks.

We can say, with the examples above, that sometimes it is even difficult to separate exoticization from stigmatization (and also from objectification), since they are processes that coexist in the same text, feeding back incessantly. Attaching the stamp of idleness, failure and waste of public money to the Humanities students, as we have just seen, is also a stigma, worthy of a “physical defect” or a “disease.” A recent crime that occurred in Brazil could illustrate, from another angle, this discursive procedure of stigmatization.

On January 28, 2020, in São Bernardo do Campo, in *ABC Paulista*, an entire family (the couple and their youngest son) was found dead and carbonized inside a burnt-out vehicle.

The main suspect of the crime, initially considered by the police, was the couple’s own daughter, in addition to her girlfriend.²⁷ The case has not yet come to trial at the time of writing this article, and the investigations have not yet been fully concluded. Apart from the barbaric crime, condemnable in all senses, as well as their alleged motivations, what drew attention was a series of posts and messages disseminated through social networks, seeking to associate the sexual profile of the accused – a lesbian couple –, with a natural tendency towards crime. Below, there are two examples of those posts (a meme and a post on Facebook):

²⁷ Two pieces of news among the several that covered the fact are available in the Portuguese language at: <https://g1.globo.com/sp/sao-paulo/noticia/2020/01/30/policia-investiga-se-familia-achada-no-abc-foi-morta-por-mais-pessoas-filha-e-namorada-estao-presas-suspeitas-do-crime.ghtml>; <https://www.pragmatismopolitico.com.br/2020/02/ana-flavia-filha-matou-familia-no-abc.html>. Access on: March 16, 2020.



The meme presents the photo of two girls, as a couple, to highlight their lesbian-loving relationship. Discrediting this type of “love,” since it is referred to in an ironic way (in quotation marks), the text makes a clear allusion to the crime (“they beat the family to death and set fire to the bodies”). What draws special attention is the use of capital letters in the noun “*lacração*,” nominalization from the verb “*lacrar*,” a slang very associated with the LGBTIQ+ world.²⁸ This time, instead of exerting this usual action – “doing great,” “winning” an opponent, leaving him/her without action –, it would have remained speechless (“*calada*”) in the face of something unquestionably absurd. Everything becomes even clearer with the categorical affirmation that ends the text: “LGBT movement

²⁸ According to the *Dicionário Popular* page, “the slang *lacração*, or *lacrar*, is synonym with ‘doing great.’ The term is used as a compliment to someone who has done something so well that it has left others unresponsive. A person who ‘*lacrou*’ leaves no space for anyone to reply. In addition, the term can also be used to refer to victory over other people, as in the case ‘she *lacrou* the enemies,’ that is, she defeated the enemies, left them without action.” Available in the Portuguese language at: <https://www.dicionariopopular.com/lacracao/>. Access on: March 16, 2020.

ignores it.” We know that the fact that two people have committed a barbaric crime has nothing to do with their sexual inclination, or even with the fact that they are a couple. However, by building an (implied) association between the individuals’ sexuality and an alleged heinous criminal “nature,” a *repulsive stigma* (disgust) is applied to an entire group, capable of rhetorically justifying all sorts of violence against LGBTIQ+ population. And so that there is no doubt, or so as not to give the impression of being only an isolated case, there were those who found other cases of lesbian couples who also committed crimes:

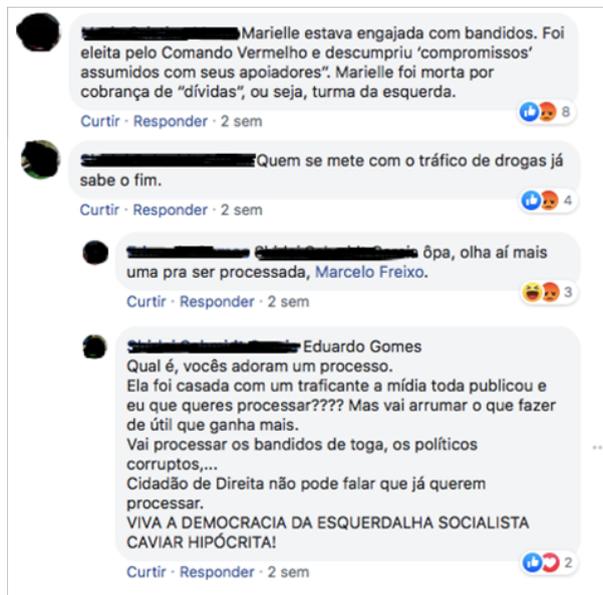


If a case “is not enough” to show the ferocious murderous instinct of lesbian women, “there are others”: the insistence on the crime/homosexuality relation naturalizes, thus, through stigmatization, a negative view of the LGBTIQ+ population and, more specifically, of lesbian couples, imaginarily involved in heinous acts and conspiratorially hidden by the mainstream media and/or the representative movement of the mentioned identity group. Let us move on to the other common discursive operation of Hate Speech.

2) *Calumny/defamation*: nowadays, it seems that the form par excellence of this type of crime is configured in the so-called “fake news,” a series of false news destined to tarnish the honor of people and institutions, often through robots and companies marketing campaigns that trigger, *ad nauseum*, untrue information on social networks or WhatsApp. The repetition, a classic figure already highlighted by the ancient rhetoric, becomes the key here so that, through insistence, a false content “goes viral” and gets confused with the truth. It was the case, among many others, of the brutal murder of city councilwoman Marielle Franco, from PSOL, cowardly executed by gunfire, along with her driver (Anderson), on March 14, 2018, in Rio de Janeiro (the perpetrators of the crime and their real motivation have not been revealed to date). Recently, on February 14, 2020, Amnesty International Brazil’s Facebook page called on everyone to strengthen the mobilization in favor of clarifying the crime:

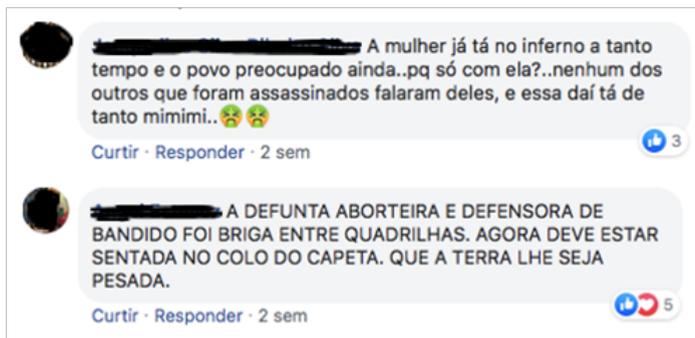


Automatically, comments emerged, such as the following (among others), which interest us as an illustration of the discursive operation highlighted here (calumny/defamation):



The first comment presents several lies that had already been aired since the murder of the city councilwoman, in March 2018, and which were even the target of lawsuits, as illustrated by one of the comments above, in an attempt by the party and family at not allowing the victim's memory and honor to be tarnished. The calumnies against Marielle revolved (and revolve) around very similar and frequent considerations: she would have been murdered not because she was a victim of the system, but in consequence of her alleged relations with "criminals," with the *Comando Vermelho*, with drug trafficking or, also, for having debts and pending issues with organized crime. All of this labeled/stigmatized as a typical procedure of those who militate for the left-wing politics, which, in turn, also becomes a sign of banditry and disease, as lexical formations attest, such as "*esquerdopatia*" (leftopathy) or "*esquerdalha*" (leftopaths as whole) (that is, "caviar" and "hypocrite" left-wing politics, falsely democratic, as suggested by the final statement of the last comment above). Without going into further details, I believe that Marielle Franco is a very emblematic case, as it brings together several identity attributes that, in terms of conditions of production, in the Brazilian context, are commonly targets of Hate Speech and social damage: woman, black, feminist, human rights activist, lesbian, and also from a slum.

3) *Demonstration of euphoria in the face of others' misfortune*: in general terms, it is about demonstrations of euphoria/joy/enthusiasm (or the feeling of revenge) in the face of the pain of the person or group figured as an enemy (even of their death, misfortune, illness, etc.). In the case of the examples used above to illustrate the exoticization processes, which concern the fire in the *Favela do Cimento*, in 2019, we also have the occurrence of this discursive process: in pieces of news of that time,²⁹ videos were shown with drivers who, when passing near the favela (on fire), celebrated their misfortune honking and using adjectives like “bums.” It is then possible to notice a network of hateful subjectivities that feel vindicated in the face of something that they see as harmful (residents and slum dwellers). Again, Marielle Franco case can also serve as an example, as shown by two more comments on Amnesty International's post (referring to her murder):



Apart from insults and stigmatizations, it is possible to notice, in general terms, a tone of commemoration and justification in the face of the councilwoman's murder, to whom the worst of evils is wished, even after her death (“may the land be heavy on her”). It is also noted that Marielle was possibly put in hell, as a supposed fruit of divine vengeance. All of this also deeply connected with the discursive operation described below. Let us see:

²⁹ As in this piece of news published in the Portuguese language on the BHAZ website, at: <https://bhaz.com.br/2019/03/24/motoristas-comemoram-incendio-em-favela/>. Access on: March 16, 2020.

4) *The figuration of evil (the construction of the enemy)*: this rhetorical-discursive ruse is generally supported by the disorder and social breakdown imagination. There is always an “enemy” of the nation, of morals and/or good customs (etc.) to fight, as in the case of the *Favela do Cimento*’s residents, who are seen as enemies of Law and Society. Historian Dutra (1997, p. 47), reflecting on the left-wing activists hunt during the Vargas Era, in Brazil (in this case, communism hunt), addresses this issue with pertinence, defining the discursive process of building the enemy from two rhetorical representation strategies: in terms of physical and biological metaphors, having the homeland as a cohesive, healthy and integrated organism, the enemy is generally projected as the “disease” or the “virus”; in terms of religious metaphors, linked to the Judeo-Christian tradition, the enemy becomes, in a complementary way, the image of the “devil”, the “plague” and the “scourge.”

This is also clear in the case of Marielle Franco: presented as an element of criminality, she becomes the sign of a social disease to be fought, capable of making the country sick (as the term “*esquerdopatia*” (leftopathy) often denotes); as “*aborteira*” (abortionist), or as a human rights activist (which is seen, in the conservative view, as a way to defend bums), Marielle would hurt the religious and/or Christian logic, becoming a true demonic scourge. It is so “true” that, as a reward, she was placed by the comments directly in “hell,” or even, in “the devil’s lap.” Let us move on to another discursive operation.

5) *Insult or instigation of insult*: when talking about verbal violence in controversial interactions, Amossy (2017, p. 171) synthesizes the three faces of this speech act, which always aims to threaten its receiver’s face: the insult is assertive, as it attributes properties that disqualify the other; it is expressive, as it demonstrates hostility in interpersonal treatment; it is also directive, in the sense that it instigates a reaction from a third party (the audience that observes the debate). For the author, who insults puts himself/herself on a higher plane, thus lowering his/her target, which is consistent with what we have seen above in the legal and psychological fields. Several previous examples already serve as examples of insult or instigation of insult, such as: favela residents called “bums”; the Humanities students belittled as “useless” and “losers”; leftist militants qualified as “hypocrites” or, necessarily “criminals.”

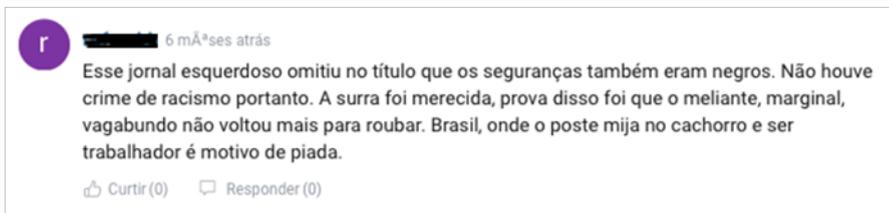
6) *Ridicule/delegitimization*: it is not difficult to define this speech act, which translates into debauchery and the consequent diminishment of the opponent, placed in discredit in the sense of being able to do something, fulfilling a function, saying something or talking about a certain subject, precisely because, supposedly, he/she does not gather sufficient qualities. The ridicule can also include the gesture of laughing at what is socially considered a defect, through a huge number of adjectives, verbs, adverbs, including metaphors, comparisons and other figures of language. In this way, it can easily fall into exoticization, stigmatization or stereotype in general (operations are complementary). It is in this sense that the “Humanities people,” as already mentioned above, would have no morals to talk about education or, even, to express opinions on matters of importance for the country. In the eyes of the good citizen (again the feeling of superiority), these laughable and exotic “hippies” – “leftpaths on duty” who live selling their “art” on the beach – have no credibility. As it turns out, in addition to terms that materialize “laughs” (“kkkkkk,” “rsrsrsrs” or “hahahaha”), diminishment via humor, and the resulting delegitimization, are also built by staging unusual, comical and weird situations, which may contain enough irony.

7) *Negationism*: in addition to the discursive operations mentioned above, there are the so-called historical and/or scientific negationism, which are very recurrent on social networks and, as Bakhtin (2004) would say, in our “everyday ideology.” These are generally unscientific arguments, like the ideas that refute the existence of global warming, and which, in the socio-historical sphere, reject unchallenged events: one thus denies that there was slavery in Brazil, that we went through a military dictatorship in the 1960s, or it is claimed, for example, that “Nazis were socialists,” that “homophobia or machismo does not exist,” even though a large amount of documentation has already been presented by Historiography and/or Sciences and research institutes. I believe that what I would call “victim playing” may be another discursive operation – one of the great weapons of negationism – able to mark the occurrence of Hate Speech (or its rhetorical justification).

In the first illustrative comment in point 3 above (on the “demonstration of euphoria”), which concerns the commemoration of Marielle Franco’s death, we also have this dimension of victimization

constructed by the argument. The post alleges that the city councilwoman supporters are selectively concerned with “only her” and that they do not usually give due attention to other murders. Based on the false assumption that Marielle was associated with criminals, her condition as a victim is then annulled, that is, transformed into “victimization,” mainly by a famous slang widespread in social networks, generally used to say that (existing) atrocities did not exist: the term “*mimimi*.”

In an online piece of news on the *Jornal Estado de Minas* (newspaper),³⁰ which showed a young black man tortured (lashed) in a supermarket in September 2019, after an attempted theft, there was the following comment:



A crime is duly penalized through formal justice, and not by its own hands, at least under the terms of the Law. The above event, even more because of the symbolism of the whip (a clear allusion to slavery), was accused by several social movements as a case of racism (since a young white man would probably had received another type of treatment). However, the comment presented minimizes and denies the existence of racism, also starting from the construction of victimization, which authorizes practices of justice at the expense of legal action.

Without going into further details, as the objective here was only to present an illustration of the discursive operation in question (which is valid for all others), it is interesting to conclude this section by saying that the list of procedures capable of giving way and marking the occurrence of Hate Speech can be broader than the one presented here. For example,

³⁰ Available in the Portuguese language at: https://www.em.com.br/app/noticia/nacional/2019/09/03/interna_nacional,1082169/jovem-negro-e-torturado-por-seguranças-de-supermercado-apos-tentativa.shtml. Access on: March 16, 2020.

we could also speak of speech acts such as “threat,” “embarrassment,” “humiliation,” “blackmail,” etc., but I believe that Laws already clearly typify many of these procedures, and others are easily identifiable in the public sphere. As I said, it was not a question of presenting a closed list here, but an attempt to contribute to an ever better understanding of the possible forms of manifestation of Hate Speech. Finally, let us move on to the final considerations.

5 Final considerations

With the reflections above, it can be seen that the feeling of hate presupposes disgust, or rather, disgust before the other; hate reveals, in certain cases, a superb sense of “superiority,” or, paradoxically, a feeling of envy, capable of arousing fury, when one feels to be less (or worse) than his/her target. Hate can carry fear, fear of the other, that strangeness that language does not translate, thus giving vent to the astonished sensation of threat; hated is still a “bonfire,” the more it is externalized (and starts to circulate) freely in the public sphere, the greater it is; hate operates, as has been seen, with various rhetorical-discursive tricks: insult, slander, stereotype, delegitimization, the figuration of the enemy, etc.

However, none of this is, in itself, a safe haven for considering an expression (or even verbal violence) “Hate Speech.” Hate Speech is systemic, non-accidental and linked, in an organized manner, to certain conditions of discourse production (most important parameter to characterize it). In this way, only the expressions capable of producing, in some way, prejudice, discrimination and exclusion of social rights of groups or identity profiles that are sociologically more fragile could be identified as such. Only the discourse that has this “power” or social tendency anchored in class conflicts and power disputes is necessarily Hate Speech. Based on rhetorical-discursive theories, it can be said that Hate Speech, therefore, is measured and identified by their possible effects. It is marked by exclusion, physical violence, discrimination and denial of citizenship in a particular context. Therefore, any discursive analysis of this subject must begin, first of all, by considering the conditions of production.

References

- AMOSSY, R. *Apologia da polêmica*. São Paulo: Contexto, 2017.
- AMOSSY, R. *A argumentação no discurso*. São Paulo: Contexto, 2018.
- BAKHTIN, M.; VOLOCHINOV, V. N. *Marxismo e Filosofia da Linguagem*. São Paulo: Hucitec, 2004.
- BOURDIEU, P. *O poder simbólico*. Rio de Janeiro: Editora Bertrand Brasil, 1989.
- DUTRA, E. R. F. *O ardil totalitário: imaginário político no Brasil dos anos 30*. Rio de Janeiro; Belo Horizonte: Editora UFRJ; Belo Horizonte: Editora UFMG, 1997.
- GALINARI, M. M. A Análise do Discurso contra a Retórica: demolindo mitos e deuses. In: PIRIS, E. L.; OLÍMPIO-FERREIRA, M. (org.). *Discurso e argumentação em múltiplos enfoques*. Coimbra: Grácio Editor, 2016. p. 73-97.
- GOFFMAN, E. *Estigma: notas sobre a manipulação da identidade deteriorada*. Rio de Janeiro: LTC, 2008.
- GÓRGIAS. Elogio de Helena. In: SOUSA, A. A. A.; PINTO, M. J. V. *Sofistas: testemunhos e fragmentos*. Lisboa: Imprensa Nacional – Casa da Moeda, 2005a. p. 127-133.
- GÓRGIAS. Do Não Ente ou Da Natureza. In: SOUSA, A. A. A.; PINTO, M. J. V. *Sofistas: testemunhos e fragmentos*. Lisboa: Imprensa Nacional – Casa da Moeda, 2005b. p. 112-118.
- INSTITUTO DE PESQUISA ECONÔMICA APLICADA; FÓRUM BRASILEIRO DE SEGURANÇA PÚBLICA. *Atlas da Violência 2019*. Brasília, Rio de Janeiro, São Paulo: IPEA e FBSP, 2019.
- LEBRUN, J. *O futuro do ódio*. Porto Alegre: CMC, 2008.
- MACHADO, I. J. R. *Cárcere Público: processos de exotização entre imigrantes brasileiros no Porto, Portugal*. 2003. 329 f. Tese – (Doutorado em Ciências Sociais) – Instituto de Filosofia e Ciências Humanas, Universidade Estadual de Campinas, Campinas, 2003.
- ORLANDI, E. P. *Análise de Discurso: princípios e procedimentos*. Campinas: Pontes, 2012.

PÊCHEUX, M. *Semântica e Discurso: uma crítica à afirmação do óbvio*. Campinas: Ed. Unicamp, 2009.

PÊCHEUX, M. Análise automática do discurso (AAD-69). In: GADET, F.; HAK, T. (org.). *Por uma análise automática do discurso: uma introdução à obra de Michel Pêcheux*. Campinas: Unicamp, 2010. p. 59-106.

ROSTAGNI, A. *Un nuovo capitolo nella storia della retorica e della sofistica*. Firenze: Stab. Tipografico E. Aiani, 1922.

SILVA, R. L.; NICHEL, A.; MARTINS, A. C. L.; BORCHARDT, C. K. Discursos de ódio em redes sociais: jurisprudência brasileira. *Revista Direito GV*, São Paulo, v. 7, n. 2, p. 445-468, 2011.