

## ONLINE HATE CRIME – SOCIAL NORMS AND THE LEGAL SYSTEM

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A central point of departure for this socio-legal study about online hate crimes concerns the significance of analysing and understanding social norms in relation to these crimes on the Internet. This is of importance not least when one approaches the issue of how law and the legal system may contribute towards positive developments in this field and prevent hate crimes. It is apparent that law and social norms function concurrently in influencing behaviours. On the one hand, social norms have a strong impact on how law is formulated due to law typically being shaped to reflect the morals and values in society. On the other hand, the reverse effect can also play an important role: When law leads and paves the way for changed behaviours, it may in time produce changes in social norms. People tend to reevaluate their views of right and wrong and adapt their values towards legally advocated behaviour. People also tend to make demands of their social environment in a manner that coincides with legally grounded values. Through clear legal signals, processes are initiated that have the potential, in time, to lead to changed social norms. People must, then, not only consider the legally constructed risk involved in being caught, sentenced and punished, we must also relate to the risk of being condemned by our fellow citizens. The empirical study is made in Sweden and the article present the Swedish legal and social context related to different hate crimes and how these phenomena are perceived among Swedish Internet users.

**Keywords:** Social norms, Hate crimes, Socio-legal, Swedish Internet users, Legal system.

## INTRODUCTION

The Internet has become an all-important phenomenon that is reshaping societies and politics around the globe. For instance, the Internet brings increased and new opportunities for different minorities and groups who, in some countries, cannot enjoy the freedom and rights that may be available in other places. However, the explosive growth of the Internet has also resulted in a rapid increase in hate-based activities in cyberspace; a

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landscape that is abstract and beyond the realms of traditional law enforcement (Banks, 2010). Some scholars therefore talk about the “Janus-faced character of the Internet” (Coliandris, 2012).

In cyberspace, e-mails, chats, forums, billboards, websites, digital media and blogs can be misused to publish or spread hateful messages to individuals or groups (Guichard, 2009; Martin et al., 2013). Today the Internet is a powerful weapon for haters, in that it is an inexpensive way of reaching a wide audience – an option that was simply not available to producers of hate speech before the emergence of the Internet (Banks, 2010; Barnett, 2007; Brown, 2009; Martin et al., 2013; Nemes, 2002).

Based on a norm perspective and with the aid of an Internet survey that was conducted in Sweden in 2013, the aim of this study is to contribute knowledge that could help different actors to deal with violations on the Internet in general and those related to hate crime in particular. In the study the aims are broken down into three specific questions: (I) How widespread is the violation problem on the Internet and to what extent are they characterised as hate crime? (II) How strong are the social norms that lead to people violating each other on the Internet and who exercises informal social control? (III) How did the participants in a Swedish web survey in 2013 view the legal system and other actors’ possibilities to control hate crime on the Internet?

In the article, empirical material on web-hate and different kinds of web-violations are presented in relation to norms in Swedish society and legislation on the subject. We think that Sweden is an interesting country to study web-violations and web-hate, because it has a relatively high proportion of Internet users, many social media users and a number of net-phenomena such as Pirate Bay, Spotify and Skype (Svensson & Dahlstrand, 2014). Sweden has also been proactive in the protection of human rights and freedoms, both nationally and internationally, for a long time. The objective of this study is also to present a socio-legal understanding of how social norms can be studied empirically and related to the legal system.

When stricter penalties were introduced in Swedish legislation at the beginning of the 1990s regarding harassment due to race or ethnic origin, the focus was mostly on white power groups’ violations of minorities, general changes in criminal policy in the direction of longer sentences and an authoritative focus on the victims of crime. The legislators realised that stiffer penalties alone could not suppress racism, but believed that legislation was a way of indicating society’s norms (Wigerfelt & Wigerfelt, 2014).

The study is important for research on online hate crime because we discuss and emphasise the significance of analysing and understanding social norms in relation to defamation and hate crimes committed online. This is vital when approaching the issue of how the law and the legal system could contribute to more positive developments in this field. In this context, it is important to point out that certain norms, especially in the form of hegemonic majority population norms, can seem oppressive to minorities who are often exposed to hate crime, for example in the form of homophobic or transphobic hate (Perry, 2001; Walters, 2014).

## PREVIOUS RESEARCH AND THEORETICAL FRAMEWORK

In previous research on online defamation and hate crime the main focus has been on the various risks and adverse effects involved. The object of study has also mainly been concerned with the differences and similarities between online and offline violations, in conjunction with efforts to understand and counter the various problems that have arisen (Dowdell & Bradley, 2010; Franks, 2012; Kennedy & Taylor, 2010; Mitchell et al., 2007; Reed, 2009; Sivashanker, 2013; Tynes and Giang, 2009). Various longitudinal studies have demonstrated an increase in the proportion of young people who claim to have experienced online harassment (Hueston & Andersen, 2012; Jones et al., 2013). At the same time, some studies show that the level of Internet violation and harassment has been stable over time (Ybarra et al., 2011), which informs us that the perception of this problematic situation is inconsistent.

There is an extensive literature that examines the ways in which the Internet creates an enabling environment for various hate movements to disseminate their hateful speech against certain racial or ethnic groups, sexual or religious minorities, women and immigrants (Cammaerts, 2007; Erjavec and Kovačič, 2012; Flores-Yeffal et al., 2011; Irvine, 2006; Perry & Olsson, 2009; Pollock, 2006; Serafimovska & Markovik, 2011). Most of these studies assert that the Internet allows hate movements and individuals to extend both their reach and collective identity internationally, thereby facilitating a potential 'global racist subculture' (see e.g. Perry & Olsson, 2009, Rohlffing, 2015).

Scholars are now beginning to pay more attention to hate crime (Hall 2005, Chakraborti & Garland 2009). Jacobs and Potter (1998) point out that hate crime is a construction that has no clear definition, but where prejudices against a certain identifiable group constitute the primary motive for the crime – a form of message crime (Levin & McDevitt, 1993). Stanko (2001) says that an alternative word for hate crime is "target violence" – the target group for the crime being the most important – where the choice of victim relates to group affinity.

A problem with the term hate crime is that it does not always reflect individual, isolated events where legal proceedings can be initiated without a process of victimisation. It is also difficult to determine where a hate crime begins and ends. Hate crime is often an ongoing process with a cumulative effect; a dynamic course of events that take place over time in a specific social, political and historical context (Bowling, 1998; Walters, 2014). Iganski, Kielinger & Paterson (2005) maintain that hate crime incidents take place in a cultural context, where prejudice and violence are used as social resources. Perry draws inspiration from theories, concepts, ideas and representations of the Other and of doing difference. Difference is socially constructed through time and space and is often about setting boundaries (Perry, 2001, 2003). Perry also points out that boundary is threatened when oppressed groups try to redefine their positions, i.e. when they make difference inappropriate. An increase in hate

crime can therefore occur when previously suppressed groups are perceived to have more power and/or become more visible in society.

Hate crime is committed in many different places, e.g. public places like streets, parks and squares. It can also take place in the home and the workplace. Over the years it has become more obvious that the Internet is a growing arena for hate crime (Glaser, Dixit & Green, 2002; Perry, 2003).

A sizeable body of literature has examined the complexities of regulating hate speech on the Internet through the legal framework (Bailey, 2003; Banks, 2011, 2010; Brennan, 2009; Brenner, 2007; Burch, 2001; Guichard, 2009; Harris et al., 2009; Henry, 2009; Herz & Molnár, 2012; Reed, 2009; Robinson, 2012; Singh, 2008). The majority of these authors argue that the greatest obstacles to the enforcement of hate crime laws are the multi-jurisdictionality and anonymity of the Internet. When explaining the inability of nation-states to regulate online hate crimes, a lot of the literature refers to the landmark case of *Yahoo! Inc v. Ligue Contre Le Racisme et L'Antisemitisme* (see e.g. Banks, 2011, 2010; Brennan, 2009; Nyberg, 2003; Rorive, 2009). Although nation-states have the capacity to prosecute the hate crimes that occur within their own territorial boundaries, they are often unable to extend their reach beyond their borders, as exemplified by the judicial impasse of the *Yahoo!* case (Banks, 2010). Thus, an analysis of the existing literature shows that the current legal approaches to hate speech are inefficient and impractical and that 'real life' regulations cannot be transposed onto 'virtual life', because the latter arena is far beyond the territorial boundaries and reach of nation-states.

In short, we believe that by and large research within this field lacks a norm perspective. This study therefore addresses the need to analyse and discuss social norms in relation to online defamation and hate crime

The web survey was designed and analysed based on a forensic sociological understanding of the relevance of social norms for individuals' actions and how different social problems can be understood and addressed. Norms, both legal and social, have three key characteristics: the first being that norms are understood and interpreted by people, which means that in some sense they always represent an individual's perception of what kind of behaviour their social environment expects (Baier & Svensson, 2009; Svensson & Hydén, 2008; Svensson, 2008, 2013). In addition, norms have two characteristics which do not always harmonise with each other. On the one hand, they are imperatives that can be attributed to the "Ought" aspect, while on the other they are practices and constitute a component of various causative links in real life, i.e. the "Is". This is due to the dual tensions between the norm's Ought-side and Is-side. Within the domains of the law this has been expressed as a tension between "Law in Books" and "Law in Action" (Pound, 1910). Also in society in general we can see differences between how values are formulated and how they are practised. In other words, there are potential tensions between legal and social norms and between how norms are formulated and practised (Baier & Svensson, 2009; Larsson, 2011).

The fact that legislation relating to violations was formulated prior to the existence of the Internet and the social media is problematic. The Internet and the burgeoning social media have brought “mass communication to the masses” and therefore represent a communications revolution that challenges formal and informal rules and norms of conduct (Collins, 2010; Larsson, 2015). The social norms that are now emerging in Internet behaviour are influenced by the specific properties conferred by the Internet’s logic and structure. Both the written law and the practice of law risk becoming distanced from social values and behaviour. There is therefore a complex relation between how social media is used, defamation law, hate crime, social attitudes and social norms (Baker, 2011). Through clear legal signals processes have been initiated that could lead to changed social norms (Svensson, 2008; Baier & Svensson, 2009). In the future, people will not only need to consider the legally constructed risk of being caught, sentenced and punished, but also the risk of being condemned by their fellow citizens. Such sanctions, which can be linked to social control, can be very palpable. The final step in the law’s potential to change behaviour lies in the fact that social norms can have an impact on people’s attitudes (Baker, 2011; Svensson, 2008). Attitudes and norms constitute emotional rules of thumb that guide people in their actions. The difference is that attitudes come from within and represent an individual’s emotional disposition to his or her behaviour. As a rule, shaping a person’s attitudes is a lengthy process and the main “programming” occurs in childhood. Various norm structures play a vital role in the formation of individuals’ attitudes. Children use their surroundings and the adult world’s instructions to shape their personal disposition towards how they ought to relate to the various alternatives in their daily lives. When a social norm corresponds to an attitude (an emotional cognitive rule of thumb), we say that the norm has been internalised (Baier & Svensson, 2009). If we act inconsistently with our own attitudes, we experience an internal “sanction” in the form of a guilty conscience. When we internalise a legal decision via social norms that corresponds with the attitudes of the individuals themselves, we are then faced with three behavioural influences: legal sanctions, social sanctions and an internal emotional signal. The possibility for law to directly influence people’s attitudes is low. Instead, the initial impact of law is to increase the risk of legal sanctions, with the added risk of being subjected to social sanctions. The law can only influence people’s attitudes in the long term, with the support of social norms. It can often take several generations for attitudes to change (Svensson, 2008; Svensson & Hydén, 2008; Larsson, 2011; Svensson & Larsson, 2012; Svensson, 2013).

The potential of the law to influence social norms in society initially determines whether a law will live up to its intent. Therefore, it is crucial that we understand the nature of the social norm structures in the specific areas being regulated. Without the support of social norms, the law has few opportunities to influence behaviour (Svensson & Hydén, 2008). The empirical base presented in this study has been assembled with the aim of creating a knowledge base that shows how society has attempted to address the social problems that Internet violations have come to represent (Svensson & Dahlstrand, 2014). This involves understanding the complex

structures of the legal and social norms that determine people's attitudes. Knowledge about the social norms surrounding online defamation and hate crime is also of importance if we are to understand the limitations of the law in influencing behaviour in a desired direction (Wall, 2007; Baker, 2011; Svensson & Dahlstrand, 2014). Legal signals must also be complemented (and in some cases replaced) by other social efforts. For example, this might mean introducing information activities, education and other ways of involving Internet service providers. Knowledge about the social norms in this field is also relevant for the implementation of such measures (Larsson, 2011; Larsson, 2015).

## METHOD

Although online hate crime is a global challenge, in this particular study we have collected all the empirical data within Sweden. Despite this, the empirical data is related to international research in the field and is therefore relevant beyond the context of Sweden.

The Internet survey that forms the basis for the empirical data presented in this report was distributed via email to 1,102 people aged between 16-40 years on March 19 2013. The survey ended on April 7 2013, by which time 1,035 people had responded, giving a response rate of 94 per cent. The total number of respondents had at that point exceeded 1,000, thus reaching the desired goal. We ensured that the sample represented an equal distribution of gender and age. The gender distribution among the respondents was 50.7 per cent (525) men and 49.3 per cent (510) women. We chose to focus mainly on the younger respondents, because our main research interest was active users of social media who are affected and influenced by the norms in this area. The age distribution was as follows: 16-20 years: 18.5 per cent (191), 21-25 years: 20.3 per cent (210), 26-30 years: 20 per cent (207), 31-35 years: 20.2 per cent (209) and 36-40 years: 21.1 per cent (218). In the survey we also included a question about the respondents' domestic environment: urban city (more than 100,000 inhabitants): 41.7 per cent (432), medium-sized city (50-100,000): 24 per cent (248), and smaller town/rural region (less than 50,000 inhabitants): 34.3 per cent (355).

With the exception of the gender and age criteria specified above, the sample was selected randomly from CINT CPX (Cint Panel eXchange), which consists of some 400,000 individuals in Sweden and represents a national average of the population. The respondents who are included in CINT CPX have previously agreed to take part in online surveys and receive some kind of compensation for this. Selecting respondents from a panel database like this also ensures a high response rate. The respondents answered the survey anonymously. When surveys on topics that could be considered sensitive to the respondent are conducted online, anonymous surveys are an appropriate tool (Larsson et al., 2012). In comparison to the official statistics for Sweden (administered by agency Statistics Sweden), the demographic accuracy of self-recruiting web panels such as CINT has proved to be

a reliable research and sampling method. The web survey method and the recruitment of respondents from a web panel such as CINT have been successfully applied in a number of doctoral dissertations and internationally published articles (Dahlstrand, 2012; Larsson et al., 2012; Svensson & Larsson, 2012; Svensson, 2008).

Even though different factors can influence the answers, such as the social expectation of responding in a certain way, self-assessment surveys are considered to give reliable results (Junger-Tas, J. & Marshall, I. H., 1999). This type of study can give a better picture of the level of exposure in society than studies of reports to the police according to The Swedish National Council for Crime Prevention (Brottsförebyggande rådet, 2015).

## EMPIRICAL RESULTS

In this section the results related to the experiences and spread of online violations are presented. Violations related to hate crime are presented separately. The tables present the results for women and men separately and for both groups together. When the results are presented for the younger and older respondents the former refers to the age range 16-25 and the latter 31-40 years. If age is not referred to, the results cover the entire response group of 16-40 years.

The spread and experience of online violations and hate crime

Table 1. How often respondents have experienced being violated by comments posted about them by others online.

	Total	Men	Women
Never	55.2%	59.3%	51.0%
Occasionally	38.1%	33.7%	42.7%
Several times	6.7%	7.1%	6.3%

Fifty-five per cent of the respondents claimed that they had never experienced being violated by comments about them posted by others. The largest discrepancy was found between younger women and older men. Forty-three per cent of women in the total respondent group indicated that they had occasionally experienced being violated by what others had posted, while the figure for men was 34 per cent. Less than 7 per cent of the total respondent group stated that they had felt violated several times by comments about them posted by others.

Table 2. The extent to which the respondents indicate that they have at some point posted texts or images online that they feel have violated another person.

	Total	Men	Women
Yes	10.8%	12.8%	8.6%
No	74.6%	69.7%	79.6%
Do not know	14.7%	17.4%	11.8%

Of the total respondent group, 75 per cent stated that they had been perceived by others. Men seemed to be more uncertain about how their communication is perceived than women. Younger men also felt that they violated others more often than women did (88 per cent of older women claimed that they did not think that they had posted texts or images online that violated another person, compared to 62 per cent of younger men). Younger men indicated to the greatest extent (17 per cent) that they had at some point committed an act that they felt violated another person. Those who showed the greatest uncertainty (21 per cent responded “do not know”) were also found within the same respondent group.

In the following table the focus is on violations that include hate crimes. Here the definition of online violations involving aspects of hate crime is that they contain derogatory comments about a person’s ethnic background, skin colour, sexual orientation or religious belief. From a legal standpoint, this is a highly aggravating factor, and against this background it is of interest to study the extent to which respondents have experienced this type of violation. More women than men selected the response option “occasionally”, although more men than women entered the response alternatives “several times”. One explanation for this result could be that men and women define violations in different ways.

Table 3. How often respondents have been subjected to abuse of a hate crime nature (online violations that express hatred towards a person due to race, colour, national or ethnic origin, religious belief, sexual orientation or any other similar circumstance).

	Total	Men	Women
Never	77.2%	77.2%	77.2%
Occasionally	17.7%	15.7%	19.9%
Several times	5.1%	7.1%	2.6%

One clear outcome is that experiences of violations of a hate crime nature are more common in the younger age group. Over 14 per cent of older men and almost 15 per cent of women of the same age stated that they had had such experiences. This can be compared to the experiences of younger respondents, where almost one in three individuals said that they had experienced this occasionally or often. Young men reported the most experiences of online violations of a hate crime nature (occasionally or several times).

Table 4. To what extent do respondents know someone who has been subjected to abuse of a hate crime nature?

	Total	Men	Women
None	52.6%	55.3%	49.8%
A few	36.1%	33.6%	38.8%
Several	11.3%	11.0%	11.4%

The majority of the total group indicated that they did not know anyone who had been subjected to online violations of a hate crime nature. On the other hand, 47 per cent knew a few or several victims of this form of online abuse. Women had more experience of knowing people that had experienced this type of violation in comparison to men. As younger respondents spend more time online than older respondents and are also active on social media, it is not surprising that they are also more likely to know someone who has been violated online due to race, colour, national or ethnic origin, religious belief, sexual orientation or other similar circumstances. Differences were also found at the gender level among the younger respondents. This difference could be explained by the fact that women are more active on social media than men. To varying degrees, 64 per cent of younger female respondents indicated that they knew someone who had been subjected to online violations of a hate crime nature, which could be considered a relatively high proportion.

Table 5. How seriously respondents view online violations that express hatred towards a person due to race, colour, national or ethnic origin, religious belief, sexual orientation or any other similar circumstance.

	Total	Men	Women
Not at all serious	4.7%	8.1%	1.0%
Somewhat serious	10.5%	15.5%	5.3%
Quite serious	17.2%	21.3%	13%
Serious	30.5%	30.2%	30.9%
Very serious	37.1%	25.0%	49.8%

It is apparent from the above results that there are gender differences between how respondents assess violations and view their experience of hate crime. Women view online violations related to hate crime much more seriously than men. In the total respondent group, twice as many women than men regarded online violations that expressed hatred towards a person due to his or her race, colour, national or ethnic origin, religious belief, sexual orientation or any other similar circumstance as “very serious”. However, it should be noted that 68 per cent of the respondents viewed this form of online abuse as “serious” or “very serious” and that only 5 per cent selected the response option “not at all serious.”

Fifty-eight per cent of older women viewed this type of violation as “very serious”), while younger men had the most lenient approach to this type of violation (18 per cent of young men selected the response option “very serious”). There were also significant gender differences within the younger age group (16-25 years). Only

1.5 per cent of younger women selected the response option “not at all serious” in comparison to younger men (over 10 per cent).

### MAPPING THE STRENGTH OF SOCIAL NORMS

The model used in this article to measure the strength of social norms is based on the respondents’ responses (on a scale of 1-7) to the question: “To what extent do the following people believe that you should not (...)?”

Table 6 below shows the respondents “joint” assessment of each normative referent’s reaction to Internet violations (norm strength). The intent here is to determine whether and how social norms condemn online violations, how strong they are and who exercises informal social control in such situations.

Table 6. Normative referents and their norm strength as perceived by the respondents.

Normative referent	NORM strength		
	All	Men	Women
(a) Mother	5.62	5.27	5.98
(b) Father	5.34	4.93	5.77
(c) Other close relatives	5.04	4.63	5.47
(d) Partner	5.61	5.30	5.92
(e) Friends	5.23	4.69	5.78
(f) Online acquaintances	4.68	4.31	5.10
(g) Teachers/bosses	5.03	4.68	5.43
(h) Neighbours	3.80	3.56	4.06
(i) Superficial acquaintances	3.90	3.64	4.17
Mean value	4.92	4.56	5.30

The table shows that for the younger respondents mother has the highest impact strength, closely followed by partner (especially for older people), while neighbours play a much smaller role. Altogether, the result shows that there is a norm against online violation and that mother and partner play a larger role in this respect. With increased age respondents indicate a response pattern that entails higher norm strength, whereas the mean susceptibility is lower than for the younger ones. Thus, while the younger respondents have a lower mean value for norm strength, they are also more susceptible to normative referents, which are advantageous if the aim is to influence them through their social environment, while the highest susceptibility to normative referents is found in young people’s friends and mothers.

**THE RESPONDENTS’ VIEWS OF HOW DIFFERENT ACTORS COULD COMBAT ONLINE CRIMINAL VIOLATIONS**

Table 7. The extent to which respondents believe that the legal system would serve their interests as crime victims if subjected to a criminal violation online.

	Total	Men	Women
Not at all	28.9%	29.2%	28.5%
To a limited extent	54.9%	55.2%	54.5%
Quite well	5.9%	6.5%	5.3%
Very well	1.9%	1.5%	2.2%
Do not know	8.5%	7.5%	9.5%

With regard to confidence in the capacity of the legal system to protect the respondents’ interests as crime victims in the event of being subjected to a criminal violation online, the responses are relatively evenly distributed throughout the material. Over 80 per cent of the respondents from the total respondent group thought that the legal system would not serve their interests as crime victims or only to a limited degree. The younger respondents were rather more confident in the legal system than the older respondents. However, the younger respondents also frequently answered “do not know”. Younger men seemed to be somewhat more negatively disposed towards the capacity and readiness of the legal system to serve their interests as crime victims than younger women.

Table 8. How respondents rate the legal system’s capacity to deal with online criminal violations.

	Total	Men	Women
Insignificant	25.5%	29.6%	21.2%
Limited	49.4%	49.0%	49.7%
Good	9.2%	8.8%	9.5%
Very good	2.7%	2.7%	2.6%
Do not know	13.3%	9.8%	17.0%

A similar response pattern to the above with regard to the legal system’s capacity to protect victims of online crime emerges when respondents address the question of the legal system’s capacity to deal with online criminal violations. Almost 75 per cent of the total respondent group indicated that they considered the legal capacity to cope with online criminal violations as insignificant or limited. Men were more negatively predisposed than women but were more certain in their responses than women. Generally, the respondents exhibited a similar response pattern regardless of age, although younger respondents displayed greater uncertainty. Consistently, few respondents viewed the capacity of the legal system to deal with online criminal violations as “very good.”

Table 9. The extent to which respondents believe that society and the authorities should devote resources to tackling the problems caused by online violations via the legal system.

	Total	Men	Women
Yes	70.2%	62.5%	78.4%
No	15.0%	23.1%	6.5%
Do not know	14.8%	14.4%	15.2%

The question of the responsibility of society and the legal system to counteract hate crime and other online violations has been extensively discussed. The results show similar views among the total age group. About 70 per cent of the respondents believed that more resources should be allocated to this issue. The results also showed that there are clear gender and age discrepancies. This applies particularly to younger men, who displayed the greatest resistance to increased efforts to combat online violations. There were minor differences between older and younger women, with younger women being slightly more negatively disposed. This negative attitude could be due to the fact that younger respondents are more aware of the difficulties of effectively combating online violations. However, a clear majority of the respondents thought that society, through the legal system and various authorities, should direct resources toward these problems. The fact that the response patterns demonstrated a gender difference of more women than men believing that society and the legal system needed to address the problem could be interpreted as meaning that women view online violations more seriously. About 30 per cent of all respondents either responded “no” or “do not know” to this question.

Table 10. The extent to which respondents believe that online service providers such as Facebook, Twitter and Instagram should address problems of online violations and provide the necessary resources for this.

	Total	Men	Women
Yes	84.0%	79.6%	88.7%
No	7.3%	11.3%	3.0%
Do not know	8.7%	9.0%	8.3%

As we have seen, there is clear support for society and the legal system to take a tough stand against hate speech and online violations. Against this background, it is of interest to study how respondents view corporate responsibility. A clear majority of the respondents, particularly women, thought that Internet service providers had a broad and important responsibility. Men seemed to be more hesitant, which could suggest that men tend to be less concerned about this than women. Similarly, in general younger respondents were not in favour of Internet service providers devoting more resources to the problem of online violations.

## DISCUSSION AND CONCLUSIONS

The results of this study confirm the perception that has emerged in the media and in previous research that online violations are a real problem, especially for young people, and that society has not yet found suitable strategies for coping with this. In comparison with previous studies, where the number of hate crimes was estimated with the aid of the official crime surveys conducted by the Swedish National Council for Crime Prevention (Nationella Trygghetsundersökningen 2012 and Skolundersökningen 2012 in Brottsförebygganderådet 2015), the online questionnaire shows that quite a lot of people experienced that they have been exposed to hate crime or similar incidents. The online survey also shows this to be the case for young people in comparison to previous studies. Men and boys experience that they are more exposed than women/girls. In fact the figures could be much higher, because hate crime is often a process in which low-key harassment is common. The everyday aspects of the repeated incidents could indicate that the respondents did not equate them with hate crime.

At the same time, the results indicate the need for a more nuanced discussion. About half of the respondents in the quantitative study said that they had not felt violated by what other people had posted about them online and less than seven per cent of the respondents indicated that they often experienced such violations.

However, it is clear that potential violations on the Internet are a source of concern among young people. Among young women, almost one in four expressed that they were somewhat or very concerned about people's negative impression of them based on the content that was available online.

The respondents regarded defamation in the form of hate crime to be a serious crime. This was particularly the case amongst the women. One reason as to why a large number of the respondents thought that it was serious or very serious is that hate crime can be perceived as worse than many other crimes, partly because it signals that the group to which the victim belongs should "know its place" and partly that a number of hate crime victims, in comparison with other victims, experience long-term psychological problems such as fear, depression, anxiety, panic attacks, lack of self-confidence and sleeping difficulties (see also Walters, 2014, Iganski, 2008; Herek, Cogan & Gillis, 2002; Hall, 2005). McDevitt, Balboni, Garcia & Gu (2003) claim that the consequences of hate crime differ from those of other crimes in that the victims are replaceable and that anyone in the targeted group could be a victim. In addition, the researchers maintain that it is not only the person who is exposed to crime who can experience problems, but everyone in the group to which the victim belongs (see also Boeckmann & Turpin-Petrosino, 2002). Hate crime can partly be seen as a unique form of harassment that prevents exposed individuals and groups from living a "free" life. Potential victims experience that they have to be careful, for example by concealing their identity, which in turn restricts their lives. The distinct gender difference, when it comes to both

estimation and experience of online violations and hate crime in our study, require further research about how women and men define and interpret these complex social phenomena.

Paradoxically, at the same time as tolerance is increasing among the population in Sweden with regard to other minorities (see for example Gür 2013), we can also see an increase of the number of hate crimes. This is due to the fact that some groups/individuals experience that minorities threaten their own culture, “their” geographical space and socioeconomic security. Together, these fears can give rise to the belief that minority groups are “taking over”. For some people, hate crime can be a way of reminding the Other about his or her place. For example, if someone steps outside the geographically and politically constructed boundaries of permitted behaviour, they will be met with an unfriendly reminder of their subordinate status (Perry 2001).

There is evidence to suggest that the legal system is unable to encompass the problems that online defamation and hate crime represent. Part of this problem may lie in the shortcoming of law to engage with the social norms that are gradually emerging on the Internet (see for example Banks 2011). The survey also shows a widespread mistrust in the possibility of the legal system to effectively deal with online defamation and hate crime. However, legislation is important in this respect, even though the application of it could be better. Without hate crime legislation the police and other authorities would be unable to combat hate crime. But there is a risk of hate crime legislation being undermined if those who feel that they have been exposed to hate crime think that reporting such incidents is futile because nothing then happens. It is therefore important for the police to prioritise the creation of trust among the different minority groups by educating police officers about hate crime, antidiscrimination work and attitudes connected to minorities and by establishing hate crime units specialising in hate crime. If the legal system is to offer the victim redress, it must be based on an understanding of the victim’s social context (Svensson & Dahlstrand, 2014).

The conflict between freedom of speech, defamation and hate crime is often politically and socially controversial, although from a legal point of view there are limitations and definitions that need to be tested in both a Swedish and EU context. However, what appears to complicate the situation is that the Internet challenges the more traditional ways of working, in that these were adopted at a time when the social and legal relevance of the Internet was much more limited. The technological advances that have been made in terms of disseminating and publishing information anonymously and without the oversight of any responsible body have led to an increased freedom of expression. This is also now being counteracted by different demands for restrictions that could lead to freedom of expression becoming much more limited than it was when the Internet was launched (see e.g. Banks, 2011, 2010; Brennan, 2009; Nyberg, 2003; Rorive, 2009). At the same time, transnational regulation factors and individual nation states are affected by and dependent on the reactions of the world around them and the legal processes of supranational organisations. This results in inertia within the legal sphere, which in

turn leads to national regulations being influenced by different regulatory models, which can also facilitate the strategic placing of domains or servers based on the country's legal regulations and the advantages and disadvantages of these for different actors. For example, England has solved the problem by moving websites that could be illegal to a jurisdiction where they are permitted, e.g. the USA (Balkanisation of cyberspace regulation, see Saunders, 2012; Guichard, 2009). England has also been something of a pioneer when it comes to test cases on online defamation, "because English courts take the position that expression on the Internet is published in England whenever it can be downloaded in England, that 'all material on the Internet is regarded as being published in England'" (Street & Grant, 2001, p. 786).

We argue that with clear legal signals it is possible to initiate processes that could eventually lead to changed social norms. People would then not only risk being caught, judged and punished, but would also run the risk of being condemned by other people. The sanctions, which can be associated with social control, would be very palpable. The final step in the law's potential to change behaviour lies in the fact that, with time, social norms influence people's attitudes. Attitudes constitute emotional cognitive rules of thumb that guide people in their actions in a similar way to norms. The difference is that attitudes come from within and constitute an individual emotional adjustment to one's own behaviour. Generally speaking, it takes a long time to form people's attitudes and the main "programming" occurs in childhood. Different norm structures play a decisive role in the formation of individuals' attitudes. When a social norm corresponds to an attitude (an emotional cognitive rule of thumb) it can be said that the norm has been internalised. If we are at odds with our own attitudes we experience an inner "sanction" in the form of a bad conscience or sense of guilt. If and when a judicial direction via social norms has been internalised and regulated by the acting individuals' attitudes, a threefold behavioural effect can be discerned: legal and social sanctions and an internal emotional signal.

In the long term and with the aid of social norms, the law can influence people's attitudes. It often takes one or several generations for changes in attitude to take place. In the first instance it is the potential of the law to influence society's social norms that initially determines whether a law will live up to its intentions. It is therefore important to understand what the social norm structures look like in the specific areas to be regulated. In short, without the support of social norms, the law has very little possibility to influence behaviour.

## CRIME DE ÓDIO VIRTUAL - NORMAS SOCIAIS E O SISTEMA JURÍDICO

**Resumo**

Um ponto central de partida para este estudo sócio legal sobre crimes de ódio online refere-se à importância de analisar e compreender as normas sociais em relação a esses crimes na Internet. Não menos importante é a abordagem da questão de como a lei e o sistema legal podem contribuir para uma evolução positiva neste domínio e evitar crimes de ódio. É evidente que a lei e as normas sociais funcionam simultaneamente na influência dos comportamentos. Por um lado, as normas sociais têm um forte impacto na forma como a lei é formulada devido à lei tipicamente ser moldada para refletir os costumes e valores da sociedade. Por outro lado, o efeito inverso também pode desempenhar um papel importante: quando a lei leva e abre o caminho para comportamentos alterados, pode no tempo produzir mudanças nas normas sociais. As pessoas tendem a reavaliar seus pontos de vista de certo e errado e adaptar seus valores para o comportamento legalmente defendido. As pessoas também tendem a fazer exigências de seu ambiente social de uma forma que coincide com os valores legalmente fundamentados. Através de sinais jurídicos claros, os processos que são iniciados têm o potencial, no tempo, para alterar as normas sociais. As pessoas devem, então, não só considerar o risco legalmente construído envolvido em ser capturado, condenado e punido, também deve se considerar o risco de serem condenados moralmente pelos seus compatriotas. O estudo empírico é feito na Suécia e no artigo será apresentado o contexto jurídico e social sueco relacionado a diferentes crimes de ódio e como esses fenômenos são percebidos entre os internautas suecos.

**Palavras-chave:** normas sociais; crimes de ódio; sócio jurídico; internautas suecos; sistema jurídico.

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