

**Topic-Setting Program to Advance Cutting-Edge  
Humanities and Social Sciences Research**  
(Area Cultivation)

**Progress Report**  
(Summary of Final Report)

**[Legal Pragmatics as Normative Theory: On Nullification of  
Hate Speech]**

**Core-Researcher:** Ichiro OZAKI

**Institution:** Hokkaido University

**Academic Unit:** Graduate School of Law

**Position:** Professor

**Research Period:** FY 2014 – FY 2017

### 1. Basic information of research project

Research Area	Dialogue between narrative theory and empirical analysis
Project Title	Legal Pragmatics as Normative Theory: On Nullification of Hate Speech
Institution	Hokkaido University
Core-Researcher (Name, Academic Unit & Position)	Ichiro OZAKI (Graduate School of Law, Professor)
Project Period	FY 2014 - FY 2017
Appropriations Plan (¥)	FY 2014 JPY 3,857,000
	FY 2015 JPY 3,391,000
	FY 2016 JPY 2,748,000
	FY 2017 JPY 1,741,000

### 2. Purpose of research

This project makes linguistic analyses of hate speeches online in order to find a way out of the serious conflict between dignity of minority people and freedom of expression, i.e. pro and con of legislative and judicial restraints of hate speeches. Lawyers and scholars who advocate harsher restraints through law make a point of referring to harms, injuries and hardships the minorities suffer from. There exists, however, another empirical fact about hate speeches: minorities' exhibition of their harms and angers and direct responses through law may send unexpected messages to the convinced speakers that their hateful speeches have well achieved the effects intended to damage the victims. We can say in the sense that legal intervention toward hate speeches sometimes work negatively.

We utilize speech act theories and other linguistic approaches to know the pragmatics, contexts, structures and effects of hate speeches online. A way to 'alleviate and nullify', rather than suppress, hate speeches is sought through the analyses. This approach is neither mere sophistication of empirical methodology nor instrumental use of empirical knowledge by normative dogma. It is a bridging of empirical and normative theories.

### 3. Outline of research (Including study member)

We collected mechanically numerous anonymous hate speeches and tweets online (BBS) in 2015 against Korean Japanese citizens in Japan. With the use of a text mining device (KH Coder), frequencies, correlations, and pragmatics of typical words in the huge corpus are analyzed quantitatively. Detailed qualitative analyses are also carried out.

In 2016 we added a psychological experiment to find out the psychological and illocutionary aspects of the hateful and attacking behaviors toward others. So-called 'pre-emptive strike experiment' was conducted at the social science laboratory of Hokkaido University. Why and how the subjects react to unknown others were

observed and measured.

In addition to these researches, we made several interviews with attorneys, judges, scholars and social activists in Hawaii and Brussels where multi-cultural confrontations among majority citizens, immigrants and their descendants, indigenous people, tourists and visitors are common in everyday life.

<u>Role</u>	<u>Name</u>	<u>Affiliation</u>	<u>Subjects</u>
Core-Researcher	Ichiro OZAKI	Hokkaido University, Graduate School of Law, Professor	Corpus Analysis, Interviews
Senior Member	Syugo HOTTA	Meiji University, Faculty of Law, Professor	Corpus Analysis, Interviews
Junior Member	Wei GUO	Hokkaido University, Graduate School of Law, Lecturer	Corpus Analysis, Interviews
Junior Member	Yang LEE	University of Melbourne, Department of Psychology, Post-doctoral fellow	Psychological Experiment, Interviews

#### 4. Research results and outcomes produced

First, hate speakers online consist of several convinced ones who continue to put out formulaic messages relentlessly and many anonymous sympathizers who voluntarily forward and re-tweet the messages. The former consciously takes the latter mass (as well as the victims) into consideration as the audience of their speeches. The harassers know that the existence of anonymous mass who support and forward their messages can itself be a grave threat to the vulnerable minorities.

Second, frequencies of use and correlations among the words used by the convinced few and sympathizing mass are very characteristic in the sense that there is no characteristic variation or dispersion which is rather common in ordinary corpus of everyday conversations. This implies that the hate speakers and sympathizers build a self-closed communication space in which formulaic messages are sent out automatically regardless of the contexts or events that the messages refer to.

Third, the hate speeches as above have double functions: (1) confirmation and reproduction of collective

identity as majority and (2) exclusion of and strike at and hostility toward unknown strangers and outsiders. Fear and hatred based on ignorance have strong control over the majority's behaviors.

These findings show the ways and means to nullify and alleviate hate speeches: (1) visualization of productive structure of the formulaic speeches, (2) profiling of the typical hate speakers (especially the convinced few), (3) negligence of or no-response to the provocative speeches (sending no message to the speaker about the effects of their hatred), (4) social care of the victims which tell the offenders that their acts have eventually the opposite effects.