

# Hate speech and violence: the effects of silence and psychoanalysis

## Abstract

Freedom of expression includes the possibility that its content has an odious framework, that is, ideas that have the meaning of prejudice, discrimination, intolerance. Thus, the idea of hate speech emerges as a possible limitation to freedom of expression. In this context, the present article assumes as a general objective to verify if the prohibition of hate speech triggers the practice of violence against minority groups, instead of curbing them. The idea is to contribute to the development of the argument that the prohibition of hate speech can lead to more hate, denying the autonomy of individuals, their place of speech and their notion of equality, becoming an impulse to resist against the different, eliminating it or disregarding it as equal. The contribution is made with a bibliographic and documentary research, of an interdisciplinary nature, in which we sought to reconcile studies in the areas of Law and Psychology. It was concluded that not all hate speech should be limited, but only one that can violate interests in an unfair way that is capable of causing danger of real and imminent harm to another. Unlike this, hate speech must be tolerated.

**Keywords:** freedom of expression, hate speech, tolerance, violence, psychoanalysis

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## Introduction

Contemporary society has been marked by demonstrations of extremism and declarations of hatred against minorities, even after the human rights movement that began after the Second World War. Extreme right-wing parties are elected to the government of nation-states, flying the flag of intolerance. Social networks become an arena for inciting violence and expressions of hate. This all happens despite the existence of laws protecting minority and vulnerable groups, which prohibit and punish both violence and hate speech. With this, the idea of inefficiency of such mechanisms, or even ineffectiveness, arises.

Hate speech appears as a possible limitation to freedom of expression. Also known as hate speech, this is a practice that aims to attack individuals or groups, because they have certain characteristics such as race, ethnicity, nationality, religion, sexual orientation, sex, gender, physical condition. It is understood, therefore, that the focus of hate speech is to attack minorities, because they present peculiar characteristics, with the simple intention of hating, offending, despising, not recognizing the other as equal, worthy of respect and consideration. Allowing and prohibiting hate speech is an inherent problem with freedom of expression. There are arguments for banning hate speech and arguments for protecting hate speech. The arguments that support the prohibition of hate speech have as their central idea the existence of a common good, which requires state protection, authorizing the restriction of freedom of expression, in order to protect the dignity of individuals. Supporting the protection of hate speech, Dworkin<sup>1</sup> states that the defense of freedom of expression is justified by two essential categories: freedom of expression is the most effective instrument for achieving the truth, therefore, the free circulation of ideas offers more benefits than harm to society; freedom of expression provides recognition of individuals as responsible moral beings, with the capacity for deliberation and exposure of ideas, without the temerity of punishment.<sup>1</sup> In addition to these central arguments, Baker<sup>2</sup> considers that the regulation of hate speech has not fulfilled its role in curbing violence against minority groups. For him, "the regulation of hate speech is more likely to contribute to genocidal

events and major events of racial violence than to reduce<sup>1</sup> them.<sup>2</sup> According to the author, the prohibition of hate speech increases the oppression and anger of the intolerant, generating the belief that they must act against the hated and, thus, violence could be driven by denying the hateful person's place of speech.

It is in this context that this article focuses on intolerance to hate speech and its relationship with violence. The problem that guides the investigation is structured as follows: Is it possible that the ban on hate speech triggers the practice of violence against minority groups, instead of curbing such manifestations? The research hypothesis is that, by silencing hate speech, the sense of oppression increases, encouraging violent practices, since those who are prohibited from speaking feel repressed and need to demonstrate their point of view, justifying the use of hate speech, by any means – be it violent or illegal, creating a reinforcement of intolerance towards minorities, and the repression of hateful people can then be the impetus for violent practices. The objective of the research is to understand the social effects that intolerance to hate speech can cause in democratic society, analyzing whether the silencing of hate speech can trigger violence against minority groups. The central idea is to contribute to the development of the argument that the ban on hate speech can encourage more hate, denying the autonomy of individuals, their place of speech and their notion of equality, becoming an impulse to resist against the different, eliminating it or disregarding it as equal. This contribution will be made by reconciling the ideas of Baker<sup>2</sup> with Freudian psychoanalysis. Therefore, we established the use of the text 'Autonomy and Hate Speech', by C Edwin Baker,<sup>2</sup> where the author works on the social effects of restricting hate speech, to verify how the silencing of the intolerant as possible cause of violence against minority groups also use central works for the theory of freedom of expression and hate speech, as well as the contribution of psychoanalysis to understand the transformation of the silencing of hatred into violence, as well as the possibility of a 'cure' through speaks, through the technique of non-violent communication.

<sup>1</sup>Our translation. In the original: "reasons to expect, as a practical matter, that hate speech regulation is more likely to contribute to genocidal events and greater events of racial violence than to reduce them".

## What is hate speech?

Hate speech, known as hate speech, is a practice that aims to attack individuals or groups due to characteristics such as race, ethnicity, nationality, religion, sexual orientation, sex, gender, physical condition. In the words of Brugger<sup>3</sup> hate speech is speech that uses words that aim to “insult, intimidate or harass people because of their race, color, ethnicity, nationality, sex or religion”, being capable of instigate violence, hatred or discrimination against such groups. Lewis<sup>4</sup> defines hate speech as follows: “hate speech, that’s what it’s called: virulent attacks on Jews, blacks, Muslims, homosexuals or members of any other group. It is pure hatred, not based on any mistake made by an individual.” According to Waldron<sup>5</sup> hate speech encompasses diverse things, such as Islamophobic blogs, cross burnings, racial insults, bestial representations of members of racial minorities, the genocidal broadcasts of Rwanda in 1994, the Nazis using swastikas on the Illinois march. The central idea of hate speech is the attack on minorities, due to their peculiar characteristics, with the simple intention of expressing hatred itself, contempt, non-recognition of equal status. After all, why ban or why allow hate speech? This is a problem inherent to freedom of expression, which has important social effects. However, it is necessary to go through, at this moment, the arguments that defend the prohibition of hate speech and the arguments that defend the protection of hate speech.

## Arguments for banning and protecting hate speech

Starting with the arguments that support the prohibition of hate speech, it is necessary to highlight that the foundation is based on the idea of the existence of a common good that requires protection from the State, and which authorizes the restriction of freedom of expression, to protect dignity of individuals. It is from this premise that Jeremy Waldron<sup>5</sup> supports the prohibition of hate speech based on the idea of damage to the dignity of subjects and the public good. Initially, the author highlights that supporters of the ban on hate speech are concerned about the situation of vulnerable people who are subject to it, due to their race, ethnicity or religion, and that hate speech encompasses beyond the spoken word, but attacks printed, pasted or published on the internet.<sup>5</sup> Waldron<sup>5</sup> highlights that what is at stake in hate speech is the “damage caused to individuals and groups through the disfigurement of our social environment [...] in the sense that, in the opinion of a group in the community, perhaps the majority, members of another group are not worthy of equal citizenship.”<sup>2</sup> From his perspective, laws prohibiting hate speech are created to guarantee public order, maintaining peace and protecting the dignity of individuals. It highlights that: They are created to vindicate public order, not only by preventing violence, but by defending against attack a common sense of the basic elements of each person’s status, dignity and reputation as a citizen or member of society in good standing - particularly counter-attacks based in the characteristics of some particular<sup>3</sup> social group.<sup>5</sup> Thus, the prohibition of hate speech aims to protect people’s dignity status, targeting, above all, socially vulnerable groups, guaranteeing them equal citizenship.

Hate speech would be a violation of this basic position of individuals, and consequently of the entire social body. First, because

<sup>2</sup>Our translation. In the original: “the harm done to individuals and groups through the disfiguring of our social environment [...] to the effect that in the opinion of one group in the community, perhaps the majority, members of another group are not worthy of equal citizenship”.

<sup>3</sup>Our translation. In the original: “They are set up to vindicate public order, not just by preempting violence, but by upholding against attack a shared sense of the basic elements of each person’s status, dignity, and reputation as a citizen or member of society in good standing —particularly against attacks predicated upon the characteristics of some particular social group”.

it makes factual imputations and accepts them at a level that can generate negative effects on all members of the group; second, because it discredits people; thirdly, because it can directly interfere with the normative basis of society, characterizing certain groups in an inhumane way, with characteristics that demote them to despicable categories; fourth, because hate speech can go beyond opinion and morals, incorporating speeches, actions or instructions that, implicitly, degrade those to whom it is addressed.<sup>5</sup> Therefore, the core of protecting hate speech for Waldron<sup>5</sup> is the dignity of individuals. He considers that, “individually or together, these reputational attacks amount to attacks on the dignity of the people affected “dignity” in the sense of their basic social position, the basis of their recognition as social equals and as bearers of human rights<sup>4</sup> and rights constitutional.”<sup>5</sup>

The protection of dignity would not be a mere decorative factor for the individual, but a guarantee that they are treated with equal respect and consideration by other individuals who make up society. The regulation of hate speech, then, does not only cover the prohibition of autonomous expressions by individuals, but expressions that are directed towards the social security of vulnerable groups, this is because hate speech aims to undermine this guarantee that such subjects are accepted and protected in society, generating the idea of exclusion, of insecurity.<sup>5</sup> Therefore, Waldron<sup>5</sup> points out that the ban on hate speech has the purpose not only of protecting “the public good of security based on dignity”, but also to prevent the emergence of “a dark version of public good inspired by hatred and not by mutual respect”. What the author considers is that hate speech not only violates the guarantee of security, undermining the idea of public good, but creates a rival public good, through which individuals unite to attack those who are hated. Therefore, the prohibition of hate speech has a dual purpose: a) to protect the public good of security, which is guaranteed by dignity; b) prohibit the creation of a rival public good, which threatens security, dignity and inflames hatred in society.<sup>5</sup>

What Waldron<sup>5</sup> outlines is a theory that escapes liberal arguments for the protection of freedom of expression, a way of regulating hate speech based on restricting the content of individual freedom. On the opposite side, Dworkin<sup>1</sup> is against the prohibition of hate speech. For the author, the protection of freedom of expression is justified by two essential categories. The first of them is based on the instrumentality of freedom of expression, that is, freedom of expression is the most effective means of achieving the truth, therefore, the free circulation of ideas will bring more benefits than harm to society.<sup>5</sup> This is a consequentialist argument. However, the defense of freedom of expression needs to go beyond this approach. It encompasses another category that is based on the idea that, in a political society, all subjects must be considered responsible moral individuals, with the capacity for deliberation and exposition of ideas, without the temerity of punishment.<sup>1</sup> This is a constitutive argument.

Sarmento<sup>6</sup> explains that the central idea of such an argument is to recognize the individual’s ability to decide what they will hear, read, see or learn, and, therefore, it is not lawful for the State, nor any other force society, prevent citizens from having access to certain points of view considered ‘wrong’, which would be paternalism not consistent with the idea of an individual endowed with discernment and autonomy. Therefore, for Dworkin<sup>1</sup> only when speech represents an obvious and immediate danger to others is its restriction justified.

<sup>4</sup>Our translation. In the original: “Singly or together, these reputational attacks amount to assaults upon the dignity of the persons affected —“dignity,” in the sense of their basic social standing, the basis of their recognition as social equals and as bearers of human rights and constitutional entitlements”.

<sup>5</sup>For Dworkin (2006), this is the argument that supports the Supreme Court’s reading of the United States Constitution.

According to the author: Just as no one can be prohibited from voting because their opinions are despicable, no one can be denied the right to speak, write, or speak on radio or television simply because their opinions are too insulting to be taken lightly. into consideration.<sup>1</sup>

Freedom of expression therefore encompasses the right to express despicable and hateful ideas. Their protection is the core of democracy, and is based both on the need to build a broad arena for debate and on the fact that they constitute the framework for individuals to be considered responsible moral agents, capable of expressing their points of view and, thus, achieve the status of equality, since “equality requires that everyone, no matter how eccentric or despicable they may be, have the opportunity to exercise their influence not only in elections, but in politics in general.”<sup>1</sup> Thus, Dworkin<sup>1</sup> considers the importance of freedom of expression including hate speech. He states that “we cannot endorse the principle that an opinion can be banned when those in power are certain that it is false and that some group will be deeply and understandably offended if that opinion is published.”<sup>1</sup> That is why the defense of freedom of expression has a double meaning: it is the way to reach the truth, but it is also the protection of the autonomy of individuals.

Every blasphemy law, every cross burning, every witch hunt carried out by the right or the left is justified for the same reasons: to prevent certain fundamental values from being desecrated. Be careful with principles that you can only trust if they are applied by those who think like you.<sup>1</sup> Freedom of expression is a fundamental value, so it includes both ideas that you like and those that you hate. Its limitation prevents important questions from being asked in the free market of ideas. If only ideas homogeneously accepted by the group are recognized as valid, democracy is in danger. [...] the price of freedom, which is high, sometimes unbearable. But freedom is important, important to the point that it can be purchased at the price of a very painful sacrifice. People who love should give no quarter to their enemies, like Deckert and his hateful colleagues, even in the face of the violent provocations they make to tempt us.<sup>1</sup>

Freedom of expression has several functions, and its protection brings beneficial consequences for society, including the possibility of circulating all possible ideas, favoring and enriching public debate. Therefore, even hateful ideas deserve protection, which does not mean that they will be adopted in State policies, just that they will be heard and discussed, on equal opportunities. Freedom of expression allows individuals to influence the moral environment in which they live, and even if such ideas are hateful, no one has the power to silence them, however, this influence has a barrier – people’s safety. Thus, hate speech does not find unrestricted protection, it can be limited in case of real and present danger to the safety of other people. According to Dworkin<sup>1</sup> democratic legitimacy is compromised when subjects are prevented from contributing to the formation of political decisions through the manifestation of their moral or political convictions, whatever they may be. Therefore, by restricting freedom of expression whose content contains hate speech, the State denies the equal status of the citizens that make up society. What Dworkin<sup>1</sup> proposes is that hateful people are a minority in society, and the majority cannot simply silence them through laws prohibiting hate speech, without giving them the opportunity to express their opinions. This is the price of living in a democratic society. However, such speech is not immune and does not receive broad and unrestricted protection. For the author, the State must, instead of simply silencing it, promote mechanisms for the safety of those hated, for correcting injustices and prohibiting different treatment.

## How the silence of hateful people can turn into violence: the path of psychoanalysis

Language is the driving force of psychoanalysis. There is, therefore, no more skillful instrument for investigating the prohibition of speech than psychoanalysis. Founded by Sigmund Freud<sup>7</sup> its object of investigation is mental processes, guided by the unconscious and tested through the development of its own technique. Here, the interest is in understanding psychoanalysis as a method of investigation that highlights the unconscious of the subject’s words, actions and imaginary productions, through which it will be analyzed how the repression of hate speech can be a cause for the practice of violence. Although it reached its peak with Freud, there is historical news of the beginnings of the development of psychoanalysis with Josef Breuer, who used the procedure to treat a girl suffering from hysteria, between 1880 and 1882.<sup>8</sup> Through understanding symptoms as traumatic experiences, psychoanalysis became the branch dedicated to the study of psychic processes and their consequences, demonstrating the importance of the unconscious for understanding the subject and his totality. The idea that drives the development of psychoanalysis is the understanding that, in the unconscious, the stimuli of displeasure that the subject experiences remain repressed, waiting for an opportunity to be activated, this repressed idea is the symptom.

Repression is the disappearance of awareness of a certain unpleasant or inopportune content, leading to the formation of a symptom, this symptom will be expressed in the subject’s life, in various ways, and psychoanalysis takes care of it, to find its cause and, thus, cure it. the sick person. Understanding that human life goes beyond aspects of bodily organs, comprising conscious and unconscious acts, Freud<sup>7</sup> traces the constitution of the psychic apparatus through three instances – the Self (Ichs), the It (Es) and the Superego (Über-Ichs), direct translation from German. In some translations from English to Portuguese, these entities are called Id, Ego and Superego. Thus, the human being reconciles the three entities to live harmoniously and satisfy their innate needs, which is the responsibility of the It. To stay alive, however, you need to protect yourself from dangers, through the Self, which also works to discover the most favorable and least dangerous means of satisfying your needs. However, the Superego enters the scene to restrict satisfactions, through a moral conscience.<sup>7</sup> What can be seen is that, in essence, the individual seeks to satisfy their needs, with their drives as their driving force. The drives are divided by Freud<sup>7</sup> into two categories – Eros and the drive for destruction. The author emphasizes that, “the objective of the first is to always produce larger units and thus maintain them, that is, the connection; the objective of the other, on the contrary, is to dissolve connections and, thus, to destroy things.”<sup>7</sup>

The Eros drive is also called libido, and the destruction drive is known as the death drive. The first seeks to keep the individual alive, satisfying their needs, while the second wants to lead the being to destruction, to an inorganic state. Freud<sup>7</sup> considers that, in relation to libido, there is a moment when the Self stores all available libido, this is narcissism:

Everything we know about this concerns the Self, in which the entire available amount of libido is initially stored. We call this state absolute primary narcissism. It persists until the Self begins to occupy [charge] the representations of objects with libido, to convert the narcissistic libido into object libido.<sup>7</sup>

Narcissism is the state, then, where the libido is focused and stored in the Self, in the individual himself and his needs. Narcissism is the satisfaction of the individual’s desire with the individual himself, who



is his source of pleasure, the subject is satisfied with himself, in his entirety. However, later, it was understood that this is a process where the libidinal complement of selfishness complements the instinct of self-preservation, with the subject being able to turn to objects, to return to themselves again, in a narcissistic cycle. Galuppo<sup>9</sup> describes that, for Freudian metapsychology, hate speech can originate in a narcissistic process, explaining how aversion to others who are different occurs, and the need that arises to combat or eliminate them. It. When the libidinal investment in an external object fails, this investment tends to return to the Ego, which becomes the only source of pleasure and satisfaction for the individual. In some subjects, this regression to an infantile state tends to take on a permanent character, and the subject starts to fight against what can take them away from the situation of self-satisfaction in which they find themselves.<sup>9</sup>

Hate speech manifests itself as an investment by the subject against that which causes him displeasure, that which is different and, therefore, needs to be combated, in order to achieve self-satisfaction. The subject fights against the hated to maintain himself. To maintain his self-preservation, then, the individual is averse to change, in search of the satisfaction of pleasure, which is what moves him. This factor of change needs to be eliminated, fought, as the narcissistic subject enters the scene, who only loves himself, can only love someone like himself, and everything else must be eliminated.

The narcissistic subject, fighting against what takes away his self-satisfaction, fights against what can mean change, since this can result in pain and suffering. Change, however, is what is different, which needs to be fought, eliminated, because the narcissistic subject only loves what is equal to himself, what he himself is, what he himself was, what he himself would like to be. Therefore, people hate what is different, holding back this feeling within themselves, as it can become a threat to the life of the loved and hated object. Freud<sup>10</sup> puts it this way: “The metamorphosis of affection into hatred – which, as we know, can transform into a serious threat to life for the loved and hated object – corresponds, then, to the transformation of libidinal impulses in anguish, which is a regular result of the process of repression”. Therefore, what is the object of repression can serve and suffer from all aggressions and manifestations of the hateful person’s desire for revenge.<sup>10</sup> The fight against the hated is internal, initially, and can become external, with the practice of violence. It is noteworthy that the idea of repression is “the precondition for the formation of the symptom.”<sup>10</sup> Thus, what we intend to understand is how the repressed speech of hateful people can be an impetus for violent practices. Here are Freud’s lessons:<sup>10</sup> “But it is only the precondition for the formation of the symptom. We know this is a substitute for something that was prevented by repression. But from repression to understanding this substitutive formation there is still a long way to go.”

Freud<sup>11</sup> considers that there is nothing safer than the feeling of ourselves, of something that seems autonomous, unitary and well demarcated. When something different arrives, the feeling of displeasure arises, which needs to be eliminated, this idea can be repressed, and taken to the unconscious, but it can also be externalized, in the actions of the narcissistic subject, who seeks to maintain his survival and self-satisfaction. This desire is explained as follows: “The tendency arises to isolate from the Self everything that can become a source of such displeasure, to throw it out, forming a pure I-of-pleasure, to which an unknown, threatening ‘outside’ opposes.”<sup>11</sup> According to the psychoanalyst, when the Self, in defense of displeasure, uses methods from outside, this can bring pathological disorders. It is the essence of the human being to want the absence of pain and displeasure, seeking to experience strong pleasures. However, society imposes some obstacles to achieving this objective,

and this is a requirement of life in civilization. According to Freud<sup>11</sup> “a good part of the blame for our misery comes from what is called our civilization”. It is the deprivations of life in society that make the subject less happy and, possibly, more hateful.

What the author highlights is that the subject gives up satisfying all his instincts to live harmoniously in society. And he does so believing that others will do the same, and that no one will be a victim of someone else’s strength. It is a kind of agreement, seeking to limit the strength and instincts of the individuals that make up society. Society recognizes aggressiveness as an innate human instinct. Therefore, it dedicates its efforts to control it, to impose limits, protecting social cohesion. These limits are imposed in different ways: “She hopes to prevent the grossest excesses of violence, giving herself the right to practice violence against offenders [...]”<sup>11</sup>

Thus, the prohibition of hate speech appears as a civilizing practice. It is the means that society finds to prevent individuals from attacking, humiliating and attacking each other. To this end, it provides for sanctions against violators. Violence is fought with another form of violence. However, Freud<sup>11</sup> considers that the law cannot encompass the subtle expressions of human aggressiveness, that which is the object of repression returns, at some point, in acts of malevolence. This aspect can contribute to understanding how silencing hate speech can drive violence against minority groups. As seen, Baker<sup>2</sup> points out the arguments that support this thesis, but does not develop the path to justify it, therefore, its reading deserves the complement of psychoanalysis, with a view to answering the problem raised. Such a mechanism of repression can drive violence against minority groups, through the idea of oppression of the intolerant, which suggests that it is a riot of their anger against the hated, the idea of denying the equal status of the hateful. This is because what is the object of repression is not forgotten, it is placed in a pit of the unconscious, becomes a symptom, and implodes into actions: From the point of view of the psychic mechanism, forgetting is absolutely impossible. The common idea about a supposed beneficial effect of forgetting is the “image of erosion: the usury of time, when exerted on experiences, would end up smoothing the edges (...) of the memories corresponding to these experiences”. But the psyche is not a city, in which the remains of the previous city are demolished, imploded, eliminated, so that new structures can be built on top.<sup>9</sup>

In the psyche of the hater, nothing will be forgotten, the drives that move him will determine his actions based on what was built and dammed. Violence will not be forgotten, it will not be excluded, but rather it will be stored, and will return as a repetition, as a symptom, because this is how the narcissistic subject acts. In a narcissistic process, the violence that is the object of repression continues to exist. More than that, it becomes energy, which returns to objects. Reprimanding violence becomes the driving symptom of repression. The drive that moves the subject is to preserve himself, and to eliminate what causes him displeasure, in this case, the hated thing. Thus, what would be the object of prevention of the hate speech law becomes its effect. According to Freud<sup>11</sup> “the tendency towards aggression is an original and autonomous instinctual disposition of the human being, and I return to what I stated before, that civilization has its most powerful obstacle there”.

The law cannot take away an innate instinct from the individual, but if it means, in their eyes, unfair treatment, it can be a riot of violence, since the idea of equality and protection is what makes the individual give up control. from their instincts to civilization. If he finds that he lives in displeasure, for the benefit of others, his narcissistic version may turn against his object, with the intention of eliminating him, of demeaning him. But this cultural program is opposed by the natural

institute of aggression of human beings, the hostility of one against all and of all against one. This aggression instinct is the derivative and greatest representative of the death instinct, which we find alongside Eros and which shares domination of the world with it.<sup>11</sup>

The prohibition of hate speech does not make the intolerant forget the aversion for the different, for the hated, it only causes this repressed feeling to return in the form of repetition, a symptom that causes suffering, resulting in the need for struggle and combat so that the different, the one that puts the hateful person's self-preservation at risk, be eliminated, notably through violence. That is why the repressed drive remains, and emerges at any moment as violence, which is possibly a symptom of the repression of desire, which, unknown, shows its face as aggression: "Violence is enjoyment, not desire"<sup>12</sup> but a perverse enjoyment, which does not know itself, which does not know the principle of reality, which does not know the law.<sup>9</sup> If the law prohibits speech, silencing the hateful, their feeling for the hated remains repressed, and the drive for such repression emerges as violence, violence that does not know the legal prohibition, manifesting itself against the hated.

Aggressiveness is introjected, internalized, but it is sent back to where it came from, that is, it is directed against the Self itself. There it is welcomed by a part of the Self that opposes itself to the rest as the Super-ego, and that, as conscience, is willing to exercise the same severe aggression against the Self that the Self would like to satisfy in other individuals. The tension between the rigorous Super-ego and the Self submitted to it we call guilt consciousness; it manifests itself as a need for punishment. Civilization then controls the dangerous pleasure in attacking the individual, by weakening him, disarming him and ensuring that he is watched by an authority within him, as by a garrison in a conquered city.<sup>11</sup>

Aggressiveness is innate in human beings, and the law, in itself, does not solve the problem. But the subject's moral conscience can play an important role in censoring their aggressive behavior. The place that civilization occupies, with the control and punishment of acts, is the need for social cohesion, however, it can cause different problems and greater consequences. This is what happens with the practice of violence against minority groups, who are denied their status of equal dignity and rights, despite the existence of laws that prohibit the practice of hate speech. Psychoanalysis is important not only to identify how the silencing of hate can drive violence against minority groups, as Baker<sup>2</sup> argues. It also provides mechanisms to understand how such a symptom can be overcome, that is, how the violence supposedly arising from hate speech can be combated – through speech.

The symptom, in this case violence, is the indication that something that could have been, perhaps falling in love, perhaps falling back in love with the other, did not happen, perhaps because of childhood fear, albeit real, that the other reject us again. If, instead of convincing the person who utters hate speech, we simply silence him, we are preventing him from submitting to the healing that takes place through words. Those who are silenced cannot work through their grief, understand that it is over, that their worldview will not be imposed on us. Ultimately, that's what it's all about. Allowing hate speech is allowing the hateful person to mourn, and therefore allowing the subject (who expresses his opinions as hate) to combat his own inability to mourn.<sup>9</sup> Thus, if laws that prohibit hate speech prove to be ineffective in combating violence against minority groups, and if the repression of hate speech can mean impetus for such violence, instead of combating it, then speech, the counter-speech, can be structured as a more favorable mechanism for the issue of hate speech.<sup>13,14</sup>

## Conclusion

Freedom of expression is at the heart of democracy, it is the vital organ for the proper functioning of a society that aims to be democratic. Therefore, its restriction must be carefully thought out, as its arbitrary limitation puts the Rule of Law at risk. That is why the present work sought to investigate the effects of restricting freedom of expression in one of its central aspects – hate speech, a practice that uses the free expression of ideas and thoughts to address certain individuals or groups. , due to certain characteristics such as race, ethnicity, nationality, religion, sexual orientation, sex, gender, physical condition. The central idea was to understand the effects of silencing hate speech, notably the issue of violence, choosing as a central problem the possibility that the ban on hate speech could trigger the practice of violence against minority groups, instead of curbing it. . This is because, the starting point premise of this dissertation, erected as a hypothesis, is that silence in speech causes oppression, and those who feel repressed in their speech use different practices, including violence, to demonstrate their point. view, and this repression of the hateful can become the impulse for violent practices. It was found that the arguments that support the prohibition of hate speech defend the existence of a good that needs to be protected by the State, and that this would authorize the restriction of freedom of expression, with a view to protecting the dignity of individuals. It is from this premise that Waldron defends the prohibition of hate speech based on the idea of damage to the dignity of subjects and the public good. It is considered that hate speech is a violation of the basic position of individuals, and reflexively of the entire social body, therefore, it is everyone's duty to value the guarantee of the common good, repressing hostility, violence, exclusion, discrimination, seeking to ensure everyone's feeling of security.

On the opposite side, Dworkin is against the ban on hate speech. For the author, the protection of freedom of expression is justified by two essential categories. The first of them is based on the idea that freedom of expression is the most effective means of achieving the truth, therefore, the free circulation of ideas provides more benefits than harm to society. However, the defense of freedom of expression needs to go beyond this approach. Freedom of expression cannot be restricted based on its content, as all subjects must be considered responsible moral individuals, capable of deliberating and expressing their ideas, without fear of the application of punishment. Thus, freedom of expression encompasses the right to express despicable and hateful ideas. Hate speech should not be prohibited, but protected, as only in this way is it possible to build a broad arena for debate, where individuals are considered responsible moral agents, able to express their points of view to achieve equality. It is under this premise that it is considered that the protection of hate speech can be painful, because it refers to racist, sexist, xenophobic issues, among others. But more unbearable than that is the silence. Shutting down hate speech is not truly tackling the problem, it is just relegating it to the underground, preventing it from being combated in the public sphere, with more speech, and effective solutions to combat inequalities between minority groups being adopted. It is easy to accept ideas that everyone agrees with, but it is difficult to understand that freedom of expression also includes discordant and hateful ideas, and this is the price one pays when living in a democracy, where pluralism prevails. Democracy demands that individuals have a voice in political life, denying them this opportunity, because of the content of their speech, is denying them the status of equal citizens. Therefore, the prohibition of hate speech would not be legitimate, as in addition to disregarding the moral capacity of individuals, it violates their autonomy and equality status.

However, it is also necessary to consider that it has been established that the prohibition of hate speech can cause more harm to society than benefits. Therefore, it was asserted that non-violent speech, even if discriminatory, must be protected by freedom of expression, as its prohibition causes serious damage to democracy. The prohibition of hate speech can encourage a greater number of violent practices, instead of curbing them. This statement is based on the idea that the prohibition of hate speech, by denying the autonomy and equality of the hateful, increases their sense of oppression, fueling their anger and their belief that they must act against the hated, through practices violent. Therefore, the next step was to understand how this prohibition could be the impetus for violence, as hypothesized by the research. Therefore, help was sought from psychoanalysis. Through its analysis, it was possible to understand that, for Freudian metapsychology, hate speech can originate in a narcissistic process, with aversion to others who are different, and the need that arises to combat or eliminate it. it.

Hate speech manifests itself as an investment by the subject against what causes him displeasure, that is, what is different and needs to be eliminated, so that he can achieve self-satisfaction. The narcissistic subject fights against what takes away his self-satisfaction, which can mean change, as this can result in pain and suffering. This is because the narcissistic subject only loves what is equal to himself, what he himself is, what he himself was, what he himself would like to be. Thus, it will act violently to combat its target, the one who is different and at whom the hate speech is directed. This is because aggressiveness is an innate human instinct. Therefore, society seeks to control it, protecting social cohesion. In this way, the prohibition of hate speech appears as a civilizing practice. It is the means that society finds to prevent individuals from attacking, humiliating and attacking each other. However, the law cannot encompass the most subtle expressions of human aggressiveness, and thus, what is the object of repression returns, at some point, in acts of malevolence. This aspect contributed to the understanding of how silencing hate speech can drive violence against minority groups. Oppression of the intolerant becomes the mutiny of their anger against the hated, because the idea of denying the equal status of the hateful arises. This is because what is the object of repression – your hate speech, is not forgotten, it is placed in a pit of the unconscious, becomes a symptom, and implodes into actions. The hateful person will not forget that his speech was prohibited, that violence was committed to contain him, nothing will be forgotten, and this will return as a repetition, as a symptom, because that is how the narcissistic subject acts.

In a narcissistic process, the violence that is the object of repression continues to exist. And it is not just dammed up, it becomes energy, and returns against objects. Reprimanding violence becomes the driving symptom of repression. It is the drive that moves the subject, to preserve himself, and eliminate what causes him displeasure, in this case, the hated. Thus, what would be the object of prevention under the hate speech law becomes the target of violence. What would be avoided is promoted. The hate speech law is not capable of removing an individual's innate instinct, aggressiveness, but it can mean, in their eyes, unfair treatment, and become a riot of violence, since the idea of equality and protection It is what makes the individual cede control of their instincts to civilization. If the hater finds that he lives in displeasure, for the benefit of the hated, his narcissistic version may turn against his object, with the intention of eliminating him, of demeaning him. And so violence arises, to reaffirm the place of the hateful in society. What can be seen, therefore, is that the prohibition of hate speech does not make the intolerant forget their aversion to the hated person, it only causes this feeling to be repressed, returning in the form of repetition, a symptom that causes suffering, and affirms

the need to fight and combat the different, that which puts the self-preservation of the hateful person at risk, with the desire to eliminate them, through violence.

It is concluded, therefore, that the law that prohibits speech, silencing the hateful, only causes their feelings of hatred to remain repressed, and later return as violence, violence that does not meet the legal prohibition of hate speech, demonstrating against the hated, in different ways, whether through direct violence, such as homicides, or through structural violence, with inequality and denial of rights. Therefore, laws that prohibit hate speech prove to be ineffective in combating violence against minority groups. Furthermore, the repression they imply can become an impulse for such violence, instead of combating it, so it is necessary to investigate other mechanisms to deal with hate speech, in order to minimize its damage to society.

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## Conflicts of interest

The author declares there is no conflict of interest.

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