4 Critical discourse analysis

1 Introduction

In the early 1900s, following a symposium in Amsterdam, critical discourse analysis\(^{77}\) (henceforth, CDA) emerged as a new paradigm in linguistic research. At the core of the new paradigm was a critical perspective whose gist Wodak summarised in an interview for the *FQS Forum: Qualitative Social Research* as follows:

not taking things for granted, opening up complexity, challenging reductionism, dogmatism and dichotomies, being self-reflective in my research, and through these processes, making opaque structures of power relations and ideologies manifest. [...] Proposing alternatives is also part of being critical (Kendall 2007: Art. 29).

CDA is then a type of discourse analysis that goes beyond mere categorisation and description, as it tries to explain how ideologies and power relations manifest themselves in surface discourse structures. CDA encompasses several distinct approaches. Three of them are represented by Fairclough’s dialectal-relational approach (2005; 2010 [1995]), van Dijk’s socio-cognitive approach (1995a; 1995b; 2005; 2006b; 2015) and Wodak’s discourse-historical approach (Wodak & Chilton 2005; Wodak 2011; Wodak & Reisigl 2015; Wodak & Meyer 2016 [2001]). Although the approaches mentioned are different in terms of the methodology each employed, they share the same basic principles of CDA:

a) Discourse is seen as social practice.

b) Research focuses on unveiling ideologies of discrimination and revealing structures of power and social dominance over vulnerable groups through the analysis of surface discourse structures.

c) Analysing how ideologies and power are (re)produced by discourse structures requires an interdisciplinary or even transdisciplinary approach (van Leeuwen 2005: 3–18), combining concepts and theories in history, sociology, political science and discourse analysis.

d) Because of its inherent complexity, CDA is typically divided into three levels. The macro and meso levels of analysis help the analyst investigate the bottom line of hate speech as a social phenomenon. The meso level also serves to bridge the gap between the macro and micro levels, to demonstrate how ideology (Philips 2015; Leezenberg 2017), power, dominance and

\(^{77}\) For an introduction to the practice of critical discourse analysis, see Bloor and Bloor (2013 [2007]).
inequality are (re)produced, propagated, legitimised, or challenged by surface discourse structures.

e) The ultimate aim of CDA is to invite reflection on power abuse and dominance, and thereby contribute to the promotion of social change and equality.

Typically, it is difficult for any type of interdisciplinary research to satisfy the scientific community’s competing demands. In this respect, CDA is no exception. It has received sharp criticism from both social scientists and linguists. Whereas for historians and sociologists, CDA is too linguistic, for discourse analysts and stylistists, the linguistic analysis performed by critical discourse analysts is not thorough enough, due to the extensive, though necessary, theorisation and contextualisation. In his article What is critical discourse analysis, and why are people saying such terrible things about it?, Toolan pointed to what, in his opinion, CDA’s major weaknesses are that it:

[. . .] needs to be more critical and more demanding of the text linguistics it uses, it must strive for greater thoroughness and strength of evidence in its presentation and argumentation, and it must not shrink from prescribing correction or reform of particular hegemonizing discourses (Toolan 1997: 101).

Wodak herself recognised that the biggest challenge CDA faces “is to implement careful and detailed linguistic analysis while also venturing into the domains of macro social theory” (Kendall 2007: Art. 29). In this vein, Machin and Mayr (2012: 208) explained that the main criticisms towards CDA have focused on interrelated issues: (a) CDA is not the only critical approach, (b) CDA is not analysis but instead an exercise in interpretation, (c) CDA does not have a methodology of its own, because the normal procedure involves integrating existing linguistic theories and methods with a critical standpoint, (d) CDA tends to ignore real discourse recipients, (e) CDA does not pay enough attention to text production, (f) CDA is too qualitative and subjective and (g) CDA is too ambitious in its quest for social change. Apart from their full discussion on criticisms against CDA, Machin and Mayr (2012) also suggested ways of extending, enriching and making CDA analysis more rigorous, by such means as adding ethnographic and corpus-based approaches to the CDA toolbox (cf. Törnberg & Tönberg 2016).

Despite criticism, it is beyond doubt that CDA has opened up the path for analysing how surface discourse structures are deployed in the (re)production of social dominance and inequality. These two social issues, social dominance and inequality, bring together CDA and hate speech in an obvious and relevant way. Hate speech is an ideal object of study for CDA, because the social phenomenon is condoned through ideologies of discrimination – e.g. racism and sexism, sustained
by social practices of discrimination, and perpetuated by discourse practices of discrimination and local interactions (cf. Lutgen-Sandvik & Tracy 2012).

The present author writes this chapter with a practical agenda in mind. First, I will briefly review some central theories in CDA that I deem useful to improve our understanding of hate speech. By way of illustration, I will revisit a landmark case associated with hate speech in the jurisdiction of the United States, Brandenburg v. Ohio (1969), whose legal reasoning was discussed in Chapter 3. Although, due to space limitations I will not be able to go into all the details of the case, I hope that I will be able to demonstrate the benefits of a multilevel analysis from a CDA perspective. I claim that a CDA approach may not only help to unveil how social and discourse practices reproduce racism in Brandenburg v. Ohio (1969) but also disclose how racist speech can sometimes be invisible to the eyes of the law: At the peak of the so-called civil rights era, in 1969, Brandenburg could deliver a racist speech with some impunity. Although indicted, the extreme racist content of the Klan leader’s speech was not mentioned in the indictment; he was accused of making an “inflammatory” speech, not a hateful nor a racist one.

2 Central theories in CDA

2.1 The theory of social representations

van Dijk’s approach represents the socio-cognitive side of CDA (van Dijk 1981; 1995c). At the heart of this approach is the theory of social representations. This theory inspired van Dijk’s context models (1997: 189–226) or mental representations of the structures of the communicative situation that are relevant to the discourse participants. The theory of social representations hypothesises that social actors rely on collective frames of perceptions, called social representations (cf. Wodak & Meyer 2016 [2001]: 25; Delgado & Stefancic 2018: 121). Social representations are, according to Moscovici, “systems of preconceptions, images, and values, which have their cultural meaning and persist independently of individual experiences” (Moscovici 1982: 122). Therefore, social representations comprise a bulk of concepts, opinions, attitudes and evaluations that individuals share with those belonging to the same social group. At the heart of social representations are the sociocultural knowledge and social attitudes – e.g. emotions, opinions and evaluative beliefs – shared by a specific social group (Wodak & Meyer 2016 [2001]: 26). Delgado and Stefancic also pointed out that “the shared assumptions, beliefs, and attitudes of the group members make communication between people of the same interpretive community
possible” (Delgado & Stefancic 2018: 129). What is relevant about social representations for our research purposes is that they are installed in a subject’s mind in such a way that they restrict the interpretation of new information. As a result, subjects will typically look for information supporting their views and disregard information that might challenge their views (Chapter 8 is devoted to Relevance theory and the pragmatic interpretation of hate messages).

2.2 The theory of ideology

Socially shared knowledge and attitudes are organised through abstract mental systems that van Dijk called ideologies (van Dijk 1995a: 18). These are typically (re)produced in both verbal and non-verbal discourses – e.g. pictures, posters, comics and films, and their (re)production is embedded in organisational and institutional contexts, such as mass media, social networks, parliamentary debates and court trials. van Dijk articulated the theory of ideology within a conceptual triangle that connects society, discourse and social cognition. In this approach, ideologies essentially work as:

the interface between the cognitive representations and processes underlying discourse and action, on the one hand, and the societal positions and interests of social groups, on the other hand (van Dijk 1995a: 18).

Ideologies, which are acquired by the members of a specific social group through long-term and complex socialisation and information processing developments, are assumed, in van Dijk’s view, “to control through the minds of the members, the social reproduction of the group” (van Dijk 1995a: 18). More specifically, the control function of ideologies can be divided into two specific subfunctions that van Dijk called: (a) social functions and (b) cognitive functions (van Dijk 1995a: 19). Amongst the social functions of ideologies are, for instance, organising membership admission, coordinating the group’s goals and social actions and protecting the group’s interests and social privileges.

Apart from social functions, ideologies have cognitive functions such as organising, monitoring and controlling the sociocultural knowledge and attitudes of the members of a specific group (van Dijk 1995a: 19). Besides, ideologies can control how individual members act, speak, write, or even understand the social practices of others (van Dijk 1995a: 20). van Dijk referred to these personal cognitions or mental representations of events, actions, or situations people are engaged in or read about as context models, which I have already referred to in section 2.1.
To explain how ideologies are (re)produced and enacted by discourse structures, van Dijk (1995a: 24–33) proposed a multilevel method based on the conceptual triangle of society, cognition and discourse. The analysis comprises five levels: (a) social, (b) cognitive, (c) social cognition, (d) personal cognition – general (context-free) and particular (context-bound) – and (e) discourse analysis – surface structures such as syntax, lexicon, local semantics, global semantics, argumentation, rhetoric, pragmatics and dialogical interaction.

2.3 The theory of power as control

From a socio-cognitive approach, van Dijk (1996; 2015) theorised power as a dominant group’s control over a minority group. Racism, xenophobia, sexism and islamophobia are typical examples of social dominance – or hegemony – resulting in social inequality. The power of dominant groups may be enacted in various ways. For example, social power may be integrated into rules, norms and laws in the interest of dominant groups and against the interests of dominated groups. Power can also restrict access to education, jobs, public discourse and communication forms. Besides, power can control social context, discourse structures and people’s minds through persuasion and even manipulation (van Dijk 2006a). CDA focuses on power abuse understood as a norm-violation that hurts the target groups, given ethical standards such as laws and human rights principles.

3 Case study: Brandenburg v. Ohio (1969)

As stated at the outset, this chapter attempts to demonstrate how CDA can improve the understanding of cases associated with hate speech. With this purpose in mind, it will be illustrative to reconsider the case of Brandenburg v. Ohio (1969), discussed in Chapter 3, from a CDA perspective.

Court for colluding with African Americans and Jews against white Americans, threatening lawless action against the federal government, and inciting hatred and violence against the target groups. The first instance court in Ohio charged Brandenburg with advocating violence or unlawful methods of terrorism as a means of accomplishing political reform under the Ohio Criminal Syndicalism statute (Ohio Rev. Code Ann. § 2923.13). As a result, Brandenburg was fined $1,000 and sentenced to one to ten years. His conviction was affirmed by the Supreme Court of Ohio but finally overturned by the United States Supreme Court whose primary holding was that

[. . .] the constitutional guarantees of free speech and free press do not permit a state to forbid or proscribe advocacy of the use of force or law violation except when such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action (Clarence Brandenburg v. State of Ohio, section 7).

As shown in the above quote, the Supreme Court ruled that the government cannot forbid violent speech unless it is both “directed to inciting or producing imminent lawless action and is likely to incite or produce such action.” The conditions that must be met to impose criminal liability for speech that incites others to illegal actions are very narrow: imminent harm, a likelihood that the incited illegal action will occur and an intent by the speaker to cause imminent illegal actions. The proposed imminence standard superseded the clear and present danger standard articulated by Justice Holmes in Schenck v. US (1919). Since then, the imminence standard has remained the principal standard in the constitutional law of the United States.

For the courts of justice that trialled Brandenburg v. Ohio (1969), the main issue was whether the First Amendment should protect speech that supports law-breaking or violence. Whereas for the Ohio Court and the State Appellate Court, Brandenburg’s speech was not protected by the First Amendment, for the Supreme Court it was, because, in the justices’ view, Brandenburg’s protest speech did not incite imminent harm, imminent illegal action was unlikely to occur, and Brandenburg’s intent was not to cause imminent illegal action.

However, I argue that the Court overlooked what was really at the heart of the case: Should the First Amendment protect racial hate speech? This question...
was specifically relevant when the case occurred and was trialled: the civil rights era (1950s–1960s) when civil rights workers were fighting for the rights to dignity and social equality of non-white Americans, and many of them were brutally attacked or murdered by the Klan (cf. Bond, Dees & Baudouin 2011).

4 The case of Brandenburg v. Ohio (1969) under a CDA approach

For analytical purposes, the CDA approach to the case of Brandenburg v. Ohio (1969) will be divided into the three levels recommended by CDA: (a) the macro level, (b) the meso level and (c) the micro-level. In an attempt to get to the source of Brandenburg’s racist speech, at the macro level, the analysis will focus on racism as an ideology of dominance and on the historical background of the Ku Klux Klan, which is now legally designated as a terrorist group. At the meso level, an effort will be made to bridge the gap between the macro-level (racism) and the micro-level (Brandenburg’s protest speech) by examining how racism is propagated and legitimised through the Ku Klux Klan’s discourse and their influence over social, political, economic and legislative powers. At the micro-level, the analysis will show how the Ku Klux Klan’s white supremacist discourse materialises in Clarence Brandenburg’s protest speech at a Ku Klux Klan rally, promoting racial prejudice and inciting hatred, hostility or violence toward non-white Americans. The analysis will focus on specific surface features at lexicosemantic (racial epithets) and syntactical (agency) levels, deferring the study of surface pragmatic features to the following chapters.

4.1 The macro level: Racism

Brandenburg v. Ohio (1969) illustrates a landmark case associated with racial hate speech. Although, paradoxically, the case was never trialled as such. The Klansmen share a white supremacist ideology; they falsely believe that the white race is inherently superior to other races and that whites should have power and control over people of other races. Therefore, it is reasonable to argue that white supremacy is at the heart of hate speech because it incites
hatred, hostility or violence towards so-called minority groups. The present author concurs with Lutgen-Sandvik and Tracy (2012) that, at the macro level, socially constructed categories of race and ethnicity are historically stigmatising markers that contribute to hate speech against ethnically different Others. As shown in Chapter 1, the International Convention on the Elimination of All forms of Racial Discrimination (1965) explicitly condemns white supremacist propaganda:

State Parties condemn all propaganda and organisations disseminating ideas or theories of superiority of one race or group of one colour or ethnic origin, or attempting to justify or promote racial hatred and discrimination in any form [. . .] (Article 4).

There are many definitions of racism as an ideology of discrimination underpinning racist behaviour. However, in my view, the most comprehensive definition is that of Stollznow, who explains racism from a Natural Semantic Metalanguage (NSM) perspective:

racism
a) many people think like this
b) there are many kinds of people
c) people can know what kind someone is, if they can see this someone
d) some of these people think like this about one kind of people:
e) these are people of one kind
f) people of this kind are not good like other kinds of people are good
g) people of this kind cannot do many good things like other kinds of people can
h) people of this kind are below other kinds of people
i) people think: it is very bad if someone thinks like this
j) very bad things can happen to some people when other people think like this (Stollznow 2017: 303).

Stollznow dissects the inner elements of racism as an ideology of discrimination. Specifically, she identifies ten elements: Element (a) introduces a cognitive scenario to suggest a common social belief. Element (b) points to the idea of race. Element (c) states a race typology based on visibly various aspects such as skin colour, hair type, eye colour and nose shape, amongst other features. Element (d) introduces another cognitive scenario because it suggests a specific attitude towards these races. In Element (e), the Agent identifies the target as belonging to a racial group. In Element (f), the Agent forms a negative evaluation of this collective group. The negative evaluation of a collective group introduces a polarisation between Us and Them, a phenomenon that van Dijk (1996; 1997) called Othering. In Element (g), the Agent has formed a character generalisation of the target and introduces the idea of inequality. In Element (h), the Agent perceives this collective group (outgroup) as inferior to another group
(the ingroup). Element (i) depicts racism as a socially reproached attitude and behaviour. Element (j) indicates the attitude sustaining racism, which can result in negative consequences for the target, such as derogatory language, social discrimination, segregation and violence.

van Dijk (1997) pointed to the cognitive dimension of racism because it refers to the prejudice shared by a dominant group, represented in our case by the Klan. Prejudice is based on scientifically false assumptions, such as the assumption that non-whites are not as good as whites; whites and non-whites are not equal; and non-whites are inferior to whites.84 Interestingly enough, as soon as certain patterns of collective thinking and attitudinal behaviour have established themselves in people’s minds, a process that social anthropologist Hofstede (2003 [1991]) named collective mental programming, people must unlearn such patterns before it will be possible for them to think and behave differently, and this unlearning process is much more difficult than learning for the first time.

As mentioned earlier, ideology performs both cognitive and social functions (van Dijk 1995a). Racism, as an ideology of discrimination, performs cognitive functions – indoctrination – and social functions – protecting and defending the ingroup’s interests.

4.1.1 The Ku Klux Klan: Historical background

The Ku Klux Klan (henceforth, the KKK or the Klan) has a long, violent history in the United States that has spread to other continents under different disguises.85 In the following, I summarise the most important historical facts.

The Klan has had three periods of significant strength in American history: (a) during the Reconstruction period (1865–1877) after the American Civil War (1861–1865), (b) during the years following World War I at the beginning of the 20th century and (c) during the 1950s and 1960s when the civil rights era was at its peak. A diachronic study of this hate group reveals a constant: The white Christian American’s struggle for not losing power – social dominance and control – over the other races and religious creeds in the United States. It also reveals a circular pattern describing the process of rising, development and decline of the several Klan’s waves. According to Bond, Dees and Baudouin:

84 Stollznow (2017: 299) also explained the cognitive constituents that are at the core of any definition of racism: (1) categorisation, (2) negative evaluation, (3) stereotyping, (4) superiority versus inferiority and (5) verbal or physical manifestation.
85 For a detail account of the history of the Ku Klux Klan, see Bond, Dees and Baudouin (2011), McAndrew (2017) and Larsen (2018).
The Klan is strong when its leaders can capitalise on social tensions and the fears of people; as its popularity escalates and its fanaticism leads to violence, there is greater scrutiny by law enforcement, the press and government; the Klan loses whatever public acceptance it had, and disputes within the ranks finally destroy its effectiveness as a terrorist organisation (Bond, Dees & Baudouin 2011: 25).

a) The Klan’s first wave
Social tensions and fears came after the American Civil War (1861–1865) during the Reconstruction period (1865–1877) when white southerners had to cope with the loss of human lives, the loss of property, debts and, in their view, loss of dignity and honour because they had been defeated in the war. The Republican governments established in the South designed policies, commonly known as the Radical Reconstruction policies, to establish political and economic equality for African Americans. The so-called Radical governments granted, in effect, African Americans civil and political equality and, at least in theory, protected them in the enjoyment of the rights they were granted. Amid these profound societal changes throughout the South, the KKK is believed to have been originally founded as a secret society by six confederate veterans led by General Nathan Bedford Forrest. Later, the small society expanded into a large society, crossing class lines. Although, at the outset, the KKK had been employed as a political instrument for white Southern resistance to the Republican government, the society was soon transformed into an “instrument of fear” (Bond, Deeds & Baudouin 2011: 4). The Klansmen carried on a subversive campaign of misinformation, intimidation, terror, violence and even murder against Republican leaders, activists and South sympathisers to reverse the Radical Reconstruction policies in the South. Fear was used as an instrument of psychological control of African Americans. As Fry argues:

The whole rationale for psychological control based on fear of the supernatural was that whites were sure that they knew black people. They were not only firmly convinced that black people were gullible and would believe anything, but they were equally sure that blacks were extremely superstitious people who had a fantastic belief in the supernatural interwoven into their life, folklore, and religion (Fry 1977, in Bond, Deeds & Baudouin 2011: 11).

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86 According to the Klan’s version of history, the Northern Radical Republicans had thrown out legitimate Southern governments, bankrupted them, and replaced white Americans with African Americans in State offices. The Klan’s victimising narrative also expressed the belief that the Republicans arose mobs of black savages to attack defenceless whites (Bond, Dees & Baudouin 2011: 3).
At the heart of the KKK’s violent acts was the false belief that granting social equality to non-white Americans posed a dangerous threat to white Americans’ social, economic and political interests. In essence, white Protestants were afraid of losing power, control and social dominance over the non-white population. Although the US Congress passed specific legislation to curb Klan terrorism, the Klan managed to have full control of social, economic, political and legislative powers. Consequently, white supremacy was soon re-established in the South. It is noteworthy that the restoration of all-white governments in the South was called redemption, a term with religious denotation from which one can infer that thanks to the Klan—the saviour—the South had been saved from evil. By the mid-1870s, Southern state legislatures began enacting laws known as the Black Codes that amounted to a re-enslavement of African Americans. For example, in the State of Louisiana, the Democratic convention resolved that:

> We hold this to be a Government of white people, made and to be perpetuated for the exclusive benefit of the White Race, and [. . .] that the people of African descent cannot be considered as citizens of the United States (Bond, Dees & Baudouin 2011: 12).

When all-white conservative governments replaced the Radical governments, most of the civil and political rights African Americans had won during the Reconstruction years were rescinded. The result was the implementation of an institutionally protected system of segregation—which went under the misleading banner of “separate but equal”—that was the law of the land for more than eighty years (Bond, Dees & Baudouin 2011: 15). History tells us that everything was separate for African Americans, but that in practice nothing was equal. Although the KKK had branches in nearly every Southern State, one of its major weaknesses was that it had neither a well-organised structure nor clear leadership. This weakness, amongst others, led to its temporary decline at the very end of the 19th century.

b) The KKK’s second wave
The KKK’s revival was fuelled by growing hostility to the massive flow of immigration from Europe that the United States experienced in the early 20th century and widespread fear of a communist revolution. In 1915, the new Klan was founded in Georgia by William Joseph Simmons. The creation of this new Klan, as historians point out, was inspired by the romantic view of the old South, as depicted in Thomas M. Dixon’s novel The Clansman (1905) and David W. Griffith’s film The Birth of a Nation released in 1915. The Klan borrowed white costumes, cross burnings, rallies, and mass parades as its symbols from the film. Unlike in the first wave of the Klan, the new society was a formal fraternal organisation with national and state structure, although there were differences in how racial discrimination surfaced in each state (Larsen 2018).
The official rhetoric of this second generation of Ku Kluxers was anti-Black and focused on the threat of the Catholic church, Jews, immigrants, Asians and communists. At its peak in the 1920s, the Klan became so powerful that it was an invisible empire (Bond, Dees & Baudouin 2011: 17–23), exerting a powerful influence over the press, economy, politics and legislature of the South, as shown in the quote below:

In Denver, Klansmen held the offices of head of public safety, city attorney, chief of police and several judgeships, and they were behind the election of its major. The Klan helped elect the State’s US senators and governor at higher levels, while Ku Kluxers held four of its top offices and one seat on its Supreme Court.87

The KKK managed to exert strong influence over the social, economic, political, and legal systems that collectively enabled white Americans to maintain power and social dominance over people of other races and religions in the United States. Later, during the Great Depression (1929–1939), internal divisions and the individual Klansmen’s criminal behaviour reduced the organisation’s popularity. Besides, Federal and State bureaus actively investigated the Klan’s crimes and State and local governments passed laws against the public display of Klan insignia such as cross burnings. The Klan was attacked by the press and was the focus of political hostility. Consequently, the society was cornered and temporarily disbanded in 1944.

c) The KKK’s third wave

When the United States Supreme Court abolished segregation laws – separate but equal – that had been in force since the end of the 19th century, and ordered school integration in 1954, many whites throughout the South felt threatened and became determined to preserve segregation. The social tensions and fears that arose after the Supreme Court’s decision echoed Southern opposition to the Radical Reconstruction government at the end of the 19th century and provided the groundwork for a revival of the Klan lead by Eldon Edwards, an automobile plant worker. When Edwards died in 1960, Robert M. Shelton, an Alabama salesman, assumed the leadership and formed the United Klans of America.

The KKK’s third wave was highly violent but was much smaller than the second, peaking at no more than 50,000 members in 1965 (Bond, Dees & Baudouin 2011: 25). Nevertheless, at the time that the International Convention on the Elimination of All Forms of Racial Discrimination (1965) and the International Covenant on Civil and Political Rights (1966) were established in the international arena,

the Klan was responsible for a fanatical fight against civil rights activists and integration in the South of the United States. The Klan’s fight led to a wave of assaults, dynamite bombings, beatings and shootings of black and white activists. These hate crimes outraged the nation and, to a certain extent, helped win support for the civil rights cause. In 1965, Klan violence prompted President Lyndon Johnson and Georgia Congressman Charles L. Weltner to call for a Congressional probe of the KKK. Seven Klan leaders were indicted by a federal grand jury and found guilty for the first time. The Klan re-emerged in the 1970s and since then its influence has helped give rise to other hate groups, amongst them the Proud Boys, a far-right group who participated in the Capitol attack in Washington DC, on 6th January 2021.

In sum, the emergence of a hate group such as the KKK has greatly contributed to legitimising and propagating racism in the United States. As evidence of this, I have shown how white supremacy has permeated the Klan’s discourse and control over the social, political, economic and legislative powers in the United States over time. The pattern observed in the evolution of each KKK wave – rise, development and decline – evidences the resilience of racial prejudice in American society.

4.2 The meso level: The Ku Klux Klan’s racist discourse

According to Wodak and Reisigl, racism manifests itself discursively: “racist attitudes and beliefs are produced and promoted employing discourse, and discriminatory practices are prepared, promulgated and legitimated through discourse” (Wodak & Reisigl 2015: 576). In discussing the role that discourse plays in the enactment and reproduction of racism, Wodak and Reisigl (2015: 578–579) identified four social practices: (a) marking of natural and cultural differences between the ingroup and the outgroup, (b) social construction of cultural differences, (c) hierarchisation and negative-evaluation of the outgroup and (d) legitimisation of power differences, social exploitation and exclusion. In the following, I will consider how white supremacy permeates the Ku Klux Klan’s discourse, which legitimises and propagates racial prejudice towards non-white Americans.

4.2.1 A Klan rally

Brandenburg v. Ohio (1969) must be understood within the context of the Klan’s third wave that arose in the South during the civil rights era in the 1950s and 1960s. As mentioned above, Brandenburg, the Klan leader, enlisted a television reporter to broadcast a Klan rally. Like many other speech events, a Klan rally is,
perhaps more evidently than others, ideologically based: it serves as a social instrument of dissemination and legitimisation of racial prejudice. In the first place, ideology seeps into the representation of the participants and actions in event models. In this case, the rally participants were Brandenburg, a Klan leader and twelve Klansmen. In the second place, ideology permeates the participants’ mutual relation in a Klan rally. The relationship between the Klan leader and the Klan members is asymmetric. In Brandenburg’s protest speech at the rally, the ingroup was presented as “We”, “us”, “the whites” and “the Caucasian race”, while the targets were presented as “the (dirty) nigger” and “the Jew”. In addition, a third group is mentioned in the speech, “the traitors of white people”, in clear reference to President Lyndon Johnson, the Congress and the Supreme Court. The historical keys to interpreting the Klan’s hostility towards US authorities can be found in (a) the abolition of segregation law – equal but separate – (b) the Congressional probe of the Klan’s unlawful activities and (c) the Supreme Court’s conviction of Klan leaders for their lawless actions.

As a social practice, a Klan rally serves several purposes. First, from a cognitive perspective, a Klan rally assists the leader in reinforcing and controlling the ingroup’s indoctrination and, maybe, attracting new members to the association. Second, from a social perspective, a Klan rally helps the leader coordinate the organisation’s goals, protect and defend the ingroup’s social privileges. Third, a Klan rally is used as an instrument for instilling terror in the minds of the target groups, in this case, African Americans and Jews, who may think that their lives are under threat. It is noteworthy that the Klan is presented in Brandenburg’s speech as a powerful association. The excerpt below illustrates the Klan leader’s claims of power:

This is an organiser’s meeting. We have had quite a few members here today which are – we have hundreds, hundreds of members throughout the State of Ohio. I can quote from a newspaper clipping from the Columbus, Ohio, Dispatch, five weeks ago Sunday morning [. . .] We are marching on Congress July 4, four hundred thousand strong. From there we are dividing into two groups, one group to march on St. Augustine, Florida, the other group to march into Mississippi (Brandenburg v. Ohio, 395 US 4444 (1969), p. U.S. 446).

The footage of the Klan rally showed firearms and munition, supporting the hypothesis that there was a serious threat of violence. Besides, one should not forget that in Brandenburg v. Ohio (1969), the legitimisation and dissemination of white supremacist propaganda were enhanced because the Klan rally was broadcast on the local station and a national network.
4.2.2 Brandenburg v. Ohio (1969): A landmark case in US jurisprudence

Ideology can also seep into and model legal doctrine. A legal doctrine is a set of rules or a test established through precedent in the common law based on which judgments can be determined in a given case. A doctrine is said to be set forth when a judge makes a ruling where a rule or test is outlined and applied, and allows it to be equally applied to similar cases. When many judges use the same rule or test, it may become established as the de facto method of deciding similar cases. Brandenburg v. Ohio (1969) is considered a landmark case in US jurisprudence because the Supreme Court’s decision in the case changed the established doctrine in the area – that is, the clear and present danger standard was superseded by the imminence standard, also known as the Brandenburg test, for speech that advocates violence (see Chapters 2 and 3).

The clear and present danger standard, established in Schenck v. United States (1919), had been the doctrine used by the United States Supreme Court to determine under what circumstances limits can be placed on First Amendment freedoms of expression, press and assembly. The clear and present danger standard had been applied to Dennis v. United States (1951), in which the Supreme Court upheld the constitutionality of the Smith Act (1940), which made it a criminal offence to advocate the violent overthrow of the government or to organise or be a member of any group or society devoted to such advocacy. According to the Smith Act, Brandenburg’s conviction should have been upheld by the Supreme Court because his speech encouraged listeners to take revenge on the government by using unlawful methods as a means to accomplish a political reform for the benefit of white Americans:

but if our President, our Congress, our Supreme Court, continues to suppress the white, Caucasian race, it’s possible that there might have to be some revengeance [sic] taken. We are marching on Congress July 4, four hundred thousand strong. From there we are dividing into two groups, one group to march on St. Augustine, Florida, the other group to march into Mississippi (Brandenburg v. Ohio, 395 US 444 (1969), p. US 446).

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The Supreme Court decided *per curiam*\(^{91}\) that Brandenburg’s conviction be overturned. The legal decision was based on the fact that freedom of speech and press do not permit a state to forbid advocacy of the use of force or law violation except where such advocacy is directed to inciting imminent lawless action and is likely to produce such action. Justice Black\(^{92}\) filed a brief concurrence\(^{93}\) stating that the clear and present danger doctrine should have no place in the interpretation of the First Amendment. Justice William O. Douglas wrote a separate concurrence agreeing with Justice Black’s opinion.

The conviction reversal implied that the Supreme Court had not found that it was Brandenburg’s intent to cause imminent harm, and harm was unlikely to happen. One may wonder which methods the Supreme Court justices employed to reach this conclusion in the case. Bear in mind that when Brandenburg gave his protest speech at the rally in 1964, he did so amid the Klan’s campaign of terror against the civil rights movement: dynamite bombings, arson of black churches and killings of black people and civil rights activists in the United States. As reported in Bond, Dees and Baudoin (2011: 25), 1964 was, in fact, the same year that three civil rights workers were killed in Philadelphia, Mississippi, a Black educator was shot as he was returning to his home in Washington after summer military duty in Georgia, and a reverend was beaten during voting rights protests in Selma, Alabama. In the context of such ongoing terror, it is reasonable to argue that Brandenburg’s advocacy of violent acts was not abstract but likely to represent a clear and present danger for the federal government and cause imminent harm to the target groups (cf. Bond, Dees & Baudouin 2011: 28–34). Figures 4.1 and 4.2 below show a couple of illustrative examples of hate crimes instigated by the Klan as a response to the abolition of racial segregation laws and the granting of civil rights to non-white Americans. Figure 4.1 depicts the massacre after a Baptist church was bombed in Birmingham, Alabama, in 1963. Figure 4.2 shows a missing person poster created by the FBI in 1964. The FBI investigation concluded that Klan members had murdered the three civil rights activists.

\(^{91}\) A *per curiam* decision is a court opinion issued in the name of the court rather than specific judges.

\(^{92}\) One of the justices, Hugo L. Black, was believed to have been associated with the Klan since the beginning of his career (Leuchtenburg 1973: 1–31).

\(^{93}\) In Law, a concurrence is a judge’s or justice’s separate opinion that differs in reasoning but agrees in the decision of the court.
Over the years, and especially with the advent of online hate speech, the imminence standard has become a controversial doctrine (see Chapter 2); the real-life acts show that the perlocutionary effects of a rally speech, as is the case with any other type of speech, are unpredictable. Let us take a recent example from the 2020 US presidential election in the United States. In the midst of a social crisis, less serious than the one in the 1960s, President Donald Trump spoke at a Save America rally near the White House on 6th of January 2021. In his speech, Trump claimed that the 2020 presidential election had been stolen by the...

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94 Anonymous author. Public domain.
95 As discussed in Chapter 2, the imminence standard has been challenged by the specific communication processes of digital communication. Chapter 6 looks at this standard from the perspective of Speech act theory.
democrats and demanded that the Congress should reject Biden’s victory. After President Trump delivered his speech, a mob of his supporters assaulted the US Capitol in an attempt to overturn Donald Trump’s defeat in the presidential election. The crowd broke into the building, vandalising and looting it, assaulting Capitol Police officers and reporters, and attempting to capture congressmen and congresswomen. The acts of violence ended in five fatalities. The US House subsequently impeached Trump on a single charge of incitement to insurrection. Trump’s speech at a Save America rally bears a frightening resemblance with Brandenburg’s questioned speech at the Klan rally and illustrates the unpredictability of the perlocutionary effects that authoritative speech (Philips 2004: 475) may have on its audience (see Chapter 6).

96 The poster shows the photographs of three missing civil rights workers: Andrew Goodman, James Chaney, and Michael Schwerner. Public domain.
The United States Supreme Court’s change of legal doctrine in Brandenburg v. Ohio (1969) leaves many open questions. One may wonder whether the fact that the appellant was a member of the almighty KKK might have influenced the Court’s change of doctrine, taking the protection of freedom of speech to its extreme. One may also wonder whether justices can set aside their ideologies and social representations – or context models – when making a legal decision.

4.3 The micro-level: Brandenburg’s protest speech

This section looks at how the Klan’s racist discourse materialises in certain surface language structures in Brandenburg’s protest speech. This type of authoritative speech derives its power from “the indexical connection to the leader, who is the person who is in authority” (Philips 2004: 474). Since a protest speech, in this context, invokes the moral authority of the person who delivers it, a Klan leader, it tends to be persuasive, convincing and attended to by the audience it addresses.

In Brandenburg v. Ohio (1969), the evidence the courts had to analyse was multimodal. The footage reproduced fragments of Brandenburg’s speech and showed Klan insignia – cross burning, firearms and munition and a Bible. Specifically, the case record showed a scene where one could see Brandenburg wearing a red hood and robe, identifying him as a Klan leader and twelve armed hooded figures gathered around a large burning cross. Although most of the speech uttered was practically unintelligible, the following scattered utterances were presented in the case as evidence of speech inciting unlawful acts (Chapter 6 analyses the case from the perspective of Speech act theory):

How far is the nigger going to – yeah.
This is what we are going to do to the niggers.
A dirty nigger.
Send the Jews back to Israel.
Let’s give them back to the dark garden.
Save America.
Let’s go back to constitutional betterment.
Bury the niggers.
We intend to do our part.
Give us our state rights.
Freedom for the whites.
Nigger will have to fight for every inch he gets from now on (Brandenburg v. Ohio, 395 US 4444 (1969), p. 395 U.S. 449).
In the second scene of the first film, Brandenburg made the following remarks:

This is an organiser’s meeting. We have had quite a few members here today which are – we have hundreds, hundreds of members throughout the State of Ohio. I can quote from a newspaper clipping from the Columbus, Ohio, Dispatch, five weeks ago Sunday morning. The Klan has more members in the State of Ohio than does any other organisation. We’re not a revenge organisation, but if our President, our Congress, our Supreme Court, continues to suppress the white, Caucasian race, it’s possible that there might have to be some revengeance [sic.] taken. We are marching on Congress July 4, four hundred thousand strong. From there we are dividing into two groups, one group to march on St. Augustine, Florida, the other group to march into Mississippi (Brandenburg v. Ohio, 395 US 444 (1969), p. US 446).

In the second film, Brandenburg’s remarks were very similar to the ones above, except for two differences: The possibility of “revengeance” was omitted, and one remark was added: Personally, I believe the nigger should be returned to Africa, the Jew returned to Israel (Brandenburg v. Ohio, 395 US 444 (1969), p. US 447).

In analysing Brandenburg’s speech fragments, one can observe the use of an overall strategy: negative Other-presentation and positive Self-presentation. Whereas racial epithets refer to African Americans and Jews (“A dirty nigger” and “the Jews”), the Klan is depicted as the saviour of America (“Save America”, “We intend to do our part”). One can also infer the legitimisation of power-differences (“Nigger will have to fight for every inch he gets from now on”), social discrimination and exclusion (“Send the Jews back to Israel”, “Let’s give them back to the dark garden” and “Bury the niggers”) and the justification of violence (“We’re not a revenge organisation, but if our President, our Congress, our Supreme Court, continues to suppress the white, Caucasian race, it’s possible that there might have to be some revengeance taken.”). It is noteworthy that the speech fragments of the first scene contained an imperative call for hostile and violent action against African Americans and Jews (“Bury the nigger”, “Send them back to Israel”, “Send them back to the dark garden”). Brandenburg strategically mitigated his call for violence in the second scene. Specifically, the disclaimer “but” and epistemic modality subtly hedged Brandenburg’s commitment to his words (“possible”, “there might have to be some revengeance taken”), probably as a way to avoid indictment under the clear and present danger standard. Brandenburg’s stance also foregrounded the distance between the ingroup (Us) and the outgroup (Them): African Americans and Jews are portrayed as parasites and evil; the President, Congress and Supreme Court as traitors to white Americans for their support to non-white Americans, and the Klan as the saviour of America and the Caucasian race, who are depicted as victims.
Apart from these discursive strategies, Brandenburg’s speech also exhibited specific topoi that are characteristic of the politics of fear (Wodak 2021 [2015]: 76). First, one can infer that the extension of civil rights to African Americans and Jews implied danger and threat to the white Americans’ power, control and social domination (Topos of danger or threat). Second, the KKK is depicted as the natural saviour of America and the Caucasian race (Topos of saviour). Third, the US authorities should stop granting civil rights to African Americans and Jews because history teaches that this action may have violent consequences, as was the case in the first Klan wave (the Reconstruction period (1865–1877) and the second Klan wave (the years after World War I) (Topos of history).

Following this overview of the discursive strategies found in Brandenburg’s speech, the chapter focuses on specific surface language structures at the lexico-semantic and syntactic levels of analysis that (re)produce and enact racism. (In the following chapters, the present author will return to the Brandenburg v. Ohio case and consider it from other linguistic pragmatic perspectives).

### 4.3.1 Surface language structures enacting racism at the lexicosemantic level

Negative lexicalisation is a major and well-known domain of ideological expression and persuasion. From Brandenburg’s speech, it can be seen that racial epithets (ethnic slurs) were used to derogate the target groups.98 Specifically, the Klan leader chose the racial epithets “nigger” and “Jew” as forms of negative lexicalisation of African Americans and the Jewish people respectively. The racial epithet “nigger(s)” was repeated eight times in the speech fragments the courts analysed, and it was even accompanied by the negative qualifier “dirty”, while the epithet “Jew(s)” was used three times. The rhetorical repetition of racial epithets underpins social prejudice and hate toward the target groups.

Hom (2008) proposed the theory of combinational (semantic) externalism (CE) to explain how racial epithets get their derogatory force and what derogation with racial epithets means. According to CE, the semantic meanings of words are not completely determined by the speaker’s internal mental state. The meanings of words are, instead, dependent on the external social practices of the community. Therefore, an external source determines the derogatory content of a racial epithet semantically. The plausible candidates for the external social practices grounding the meanings of racial epithets are social institutions of racism. For example, the racial epithet “nigger” is derived from and

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98 Racial epithets (e.g. nigger, Jew, chink), dehumanising metaphors (e.g. parasites, bedbugs, snakes) and stereotypes (e.g. terrorists, criminals) are typical lexical features used to insult and demean the targets.
supported by racism towards African Americans. An institution of racism can be modelled as the composition of two entities: an ideology and social practices, such as subordination, alienation, dehumanisation and genocide (cf. Baider 2020: 208–210). The two entities making up racist institutions are closely related, as racists will typically justify and motivate racist social practices with their corresponding racist ideology. It is reasonable to argue that racial epithets express complex properties externally derived from racist institutions. I will now explain why these properties can be deeply derogatory and even threatening. According to Hom (2008), the meanings of racial epithets can be presented with the following complex predicate:

\[ \text{Ought to be subject to } p^{*1+ \ldots p^{*n}} \text{ because of being } d^{*1+ \ldots d^{*n}} \text{ all because of being } npc^* \]

\[ p^{*1+ \ldots p^{*n}} \text{ stands for the deontic prescriptions derived from the set of racist practices; } d^{*1+ \ldots d^{*n}} \text{ are the negative properties derived from the racist ideology; and } npc^* \text{ is the semantic value of the appropriate non-pejorative correlate of the racial epithet. For instance, the racial epithet “nigger” expresses a complex, socially constructed property like:} \]

\[ \text{ought to be } \ldots \text{ and ought to be, } \ldots \text{ because of being black, all because of being African Americans} \]

In Brandenburg’s speech, the racial epithet “nigger” expresses a complex, socially constructed property like:

\[ \text{ought to be “buried” and ought to be “returned to Africa” because of being blank, all because being African Americans} \]

Similarly, the racial epithet “Jew” in the same speech expresses a complex socially constructed property like:

\[ \text{ought to be “sent back to Israel” and ought to be “sent back to the dark garden” because of being Jews, all because being the Jewish people} \]

As shown above, the racial epithets “nigger” and “Jew” prescribe social practices of discrimination, hostility or violence for their targets because of supposedly possessing the negative properties ascribed to their race. Racial epithets both insult and threaten their intended targets in deep and specific ways by predicting their negative properties and invoking the threat of discriminatory practice towards them. CE then explains why calling someone a racial epithet invokes an entire racist ideology and the social practices it supports.

A racist ideology can also be reproduced through local partisan semantics regarding the self-definition of the participants in the speech event. Whereas
the ingroups (the Klansmen) are portrayed as saviours of America and the Caucasian race, the outgroups (African Americans and Jews) are vilified. Lexically and semantically, the targets are associated not simply with difference but rather with deviance and threat. Interestingly, the footage presented as evidence in Brandenburg v. Ohio (1969) showed a Bible, which connotes moral authority, next to firearms and ammunition. According to Metzl, “guns connote complex tensions, stereotypes, and anxieties about race” (Metzl 2019: 3). The footage also showed other images99 popularised as potent hate symbols by the Klan: the hood and, especially, the burning cross, which can instil terror in the targeted groups. (The relevance of hate symbols will be analysed in further detail in Chapter 8). The orchestration of the linguistic and visual elements in the footage foregrounded specific ideological meanings that contextualised each other to powerfully communicate racism.

4.3.2 Surface language structures enacting racism at the syntactic level

The ideological implication of sentence structures is well known. Word order may code for underlying (or cognitive) agency (Fowler, Hodge, Kress & Trew 1979). In English, a Nominative-Accusative language, the subject of a sentence may represent a range of participants in the event, e.g. Agent, Object (also Patient), Theme, Experiencer, Goal, Beneficiary, Instrument and Locative (Duranti 2004: 460).

In Brandenburg’s remarks below, one can see that syntactic topicalization emphasises the agency and responsibility of the Klan (“We”, “Let’s”), as the doer or instigator of the action, and the action plan to be taken (“Send”, “give them back”, “Save”, “go back”, “Bury”, “Give us”) to achieve their goals – that is, to stop the social advance of the outgroups (African Americans and Jews) and regain social power. The targets (African Americans and Jews) are the Object (the undergoer or patient of the action denoted by the predicate) and America and white Americans are the Beneficiary (the entity that benefits from the action denoted by the predicate).

This is what [Action] we [Agent] are going to do [Action] to the niggers [Object]
We [Agent] intend to do [Action] our part
Send [Action] the Jews [Object] back to Israel
Let’s [Agent] give [Action] them [Object] back to the dark garden
Save [Action] America [Beneficiary]
Let’s [Agent] go back [Action] to constitutional betterment

99 For a detailed study on critical discourse analysis and figures of speech, see Hart (2007), Kienpointner (2011) and Musolff (2012).
The action plan the Klan had in mind, though perverse and threatening, was presented as a set of good actions to “Save America” and demand “state rights” and “Freedom for the whites”. Brandenburg’s speech is fallacious because the arguments derive from faulty reasoning. In other words, no empirical evidence supports the idea that white Americans did not have civil rights or had been deprived of them by US authorities. Interestingly, the speech excerpt below presents “We” and “The Klan” as Experiencer (the entity that is aware of the action described by the predicate but which is not in control of the action) and, therefore, eluding responsibility of any violent attack.

Finally, in Brandenburg’s speech, social conflict is cognitively represented and enhanced by syntactic polarisation (“We” and “the niggers/Jews”), and discursively sustained and reproduced by derogating and excluding the targets from the community of American civilised people: “Bury the niggers”, “Send the Jews back to Israel”, “Let’s give them back to the dark garden.”

5 Conclusions

This chapter approached racial hate speech from a CDA perspective. The present author invited the reader to revisit a landmark case in the jurisdiction of the United States, Brandenburg v. Ohio (1969). CDA analysis was useful in exposing the Klan’s racist ideology in Brandenburg’s protest speech. Despite the sharp criticism CDA methods have received from various scholars and disciplines, CDA, in my judgement, can improve the understanding of racist discourse. The description of particular lexical choices in Brandenburg v. Ohio (1969), such as the rhetorical repetition of racial epithets, revealed how the Klan leader persuasively communicated the Klan’s white supremacist discourse.

The CDA approach to Brandenburg v. Ohio (1969) also invited reflection on the invisibility of racial hate speech to the eyes of the law. The United States Supreme Court reversed Brandenburg’s conviction in 1969, the same year the International Convention on the Elimination of All Forms of Racial Discrimination came into force in the international arena. The fact that Brandenburg could
deliver a racist speech, containing both anti-Black and anti-Semitic utterances, shows the power of a social elite and its control of American society. It was never an issue for the courts of justice that trialled the case whether Brandenburg’s broadcast speech could damage the targets’ rights to dignity and equality. The speech fragments analysed by the courts contained eleven instances of racial epithets – “the (dirty) nigger”, “the Jew” – that are surface discourse manifestations of white supremacism. For the Supreme Court, Brandenburg’s speech was under First Amendment protection, despite his words implied xenophobia, racial prejudice and resentment towards non-white Americans. I concur with Matsuda, Lawrence III and Delgado that “the failure to provide a legal response limiting hate propaganda elevates the liberty interests of racists over the liberty interests of the targets” (Matsuda, Lawrence III & Delgado 1993: 40) and perpetuates racial prejudice and social inequality.

Apart from disclosing the role language plays in the maintenance of social inequalities (Philips 2004: 495), a CDA approach also seeks answers to some relevant questions concerning hate speech regulation: Why hate speech was not – and even today is still not – unprotected speech under the constitutional law of the United States? Critical race theory (CRT) is a liberal movement that emphasises the historical experiences of oppressed minorities to effect political change and eradicate racism. A specific part of their project argues that racial epithets fail to merit First Amendment freedom of expression protection and should be assimilated into fighting words and true threats. If successful, the argument would allow for government and institutional restrictions on the use of racial epithets and hence, protect minority groups from group defamation (cf. Delgado & Stefancic 2018). In this respect, the analysis of racial epithets through combinational externalism (CE) (Hom 2008) offered well-motivated semantic reasons for literally assimilating racial epithets to true threats.

CDA can help improve the understanding of how little progress hate speech regulation has made in the United States. Delgado and Stefancic argued that hate speech regulation does not pose any limitation to the First Amendment because it implicates the interest of minorities in not being defamed, reviled, stereotyped, insulted, [. . .] and harassed. Permitting a society to portray a relatively powerless group in this fashion can only contribute to a stigma picture or stereotype according to which its members and unworthy of full protection (Delgado & Stefancic 2018: 155).

100 The following forms of speech are unprotected under the United States constitutional law: (1) obscenity, (2) fighting words, (3) defamation, (4) child pornography, (5) perjury, (6) blackmail, (7) incitement to imminent lawless action, (8) true threats, (9) solicitation to commit crimes, (10) treason if committed verbally and (11) plagiarism of copyrighted material.
The above quote illustrates how legal practice can perpetuate the targets’ stigmatisation, stereotyping and marginalisation. Minority groups carry a stigma that silently hinders their full access to education, employment and participation in public life.

A CDA approach to racial hate speech provides logical and reasonable arguments favouring a legal change. For Delgado and Stefancic, the solution to the legal problem is by no means a simple task, because judges are not free from the so-called observer’s paradox:

Judges asked to strike a balance between free speech and minority protection decide the contours of a new interpretive community. They must decide whose views count, whose speech is to be taken seriously, and whose humanity is fully respected. Can they do so fairly and open-mindedly, since most of them come from the dominant speech community? (Delgado & Stefancic 2018: 132).