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# Measures for institutional responses against sexist hate speech

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# Measures for institutional responses against sexist hate speech

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## I. Introduction

### 1. Necessity and goals of the research

In South Korea, hate speech against women first came to public attention in 1994 with controversies over gender conflict issues such as a policy for the provision of additional consideration to men who had finished their mandatory military service when they applied for employment at public or private organizations. Grounded in stereotypes and prejudices against women, misogyny is one of the common forms of hate behavior directed against minority groups,<sup>1)</sup> which also include foreigners and LGBT people in Korea. It is distinctive compared to other discriminatory comments or opinions in that it takes an extremist attitude that disparages or sexually objectifies women.

The phenomenon of sexist hate speech appears to be worsening with the development of the internet, as is hate and attacks against those who

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1) While women are not a minority in terms of numbers, they are in terms of power and resources compared to men.

are different in general, e.g. those with divergent ideas or those from different regions. Recently, misogynistic expressions are increasingly being observed not only on the internet, but also in offline media and in face-to-face situations. It is particularly concerning that some young people are routinely using sexist hate speech, seemingly without being aware of the gravity of the issue.

Misogynistic speech found on the internet falls outside of the normal range of language use in that it is heavily loaded with vulgar words bearing a heightened level of hatred, causing psychological damage to and compromising the social identities of women who use the internet. It also intimidates women and discourages them from active participation in online activities. All forms of hate speech are an iniquity that has a negative impact not only on the target group, but also on society as a whole. In particular, misogynistic speech attacks women's identity and inflicts a serious psychological impact on them. It triggers negative consequences for men as well by distorting relations and provoking gender conflict. Consequently, it is necessary to educate the public on the negative implications of sexist hate speech and on refraining from it. In addition, those who use sexist hate speech with ill intentions must be duly punished in order to communicate a societal message that such behaviors are unacceptable. However, hate speech is not currently being properly regulated due to concerns that such regulation could violate the principle of freedom of speech.

The goal of this research is to seek institutional measures to address sexist hate speech. To this end, we examine the concept and status of sexist hate speech and work to understand its seriousness based on the experiences of women who have been directly affected by it. Drawing on the resulting findings, we highlight the need for proactive and

institutional responses to sexist hate speech. We first suggest legal measures by analyzing overseas laws related to sexist hate speech, followed by potential self-regulatory measures allowing internet service providers to address the problem on their platforms.

## 2. Research details

### A. Concept and definition of sexist hate speech

In order to better understand the concept of sexist hate speech, we will review the history of hate speech in general and then identify the roots of misogyny in gender stereotyping. We will examine the existing definitions of hate speech, determine the definition that best reflects its characteristics, and present a definition that can be applied for legal regulation.

### B. Status of sexist hate speech

We have collected and categorized cases of sexist hate speech found on the internet. We also investigate the psychological and pathological symptoms experienced by women after direct or indirect exposure to sexist hate speech either online or offline. Based on these findings, we establish the need to regulate the problem.

### C. Status of laws related to sexist hate speech

We examine how domestic and international laws have addressed sexist hate speech: whether sexist hate speech is subject to legal regulation; which laws have been applied; how it is punished; and the variations among countries. Next, we assess the possibilities for punishing sexist hate speech by reviewing cases of countries that have in place a legal basis for its prohibition through laws on hate speech and gender discrimination or through general criminal law.

### D. Institutional measures against sexist hate speech

Assuming that institutional responses are needed in order to resolve

the problem of sexist hate speech in South Korean society, we suggest self-regulatory measures for online service providers and describe the need to introduce new laws and revise existing ones to prohibit sexist hate speech.

### 3. Research methods

#### A. Literature review

We analyzed theories on gender discrimination and misogyny (gender stereotypes as a logical basis for gender discrimination, differences between misogyny and gender discrimination, and the social psychology of misogyny). We also reviewed legal regulations related to sexist hate speech (freedom of speech and pertinent regulations, the laws and institutions regarding hate speech, and self-regulatory measures for online hate speech).

#### B. Online monitoring: status of sexist hate speech and cases of victimization

Cases of misogynistic expressions were collected via web crawling in order to examine the status of sexist hate speech on the internet. We have attempted to increase the representativeness of the data by examining both online news and community sites. Naver, one of South Korea's most popular online portal services, was searched for news articles and related comments. In the case of online communities, sites were selected in consideration of the number of visitors and their gender ratios. As a result, a total of five community sites were chosen for analysis: Nate Paan, DCinside, Daum Agora, Ilkanbest, and Womad.<sup>2)</sup>

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2) dcinside remains the top site among community portals as ranked by rankey.com.

Ilkanbest is a male-dominant site, while women prevail on Womad. Over the course of six months from November 2017 through April 2018, news articles, posts, and comments posted on these sites were analyzed. Search words included *yeoja/yeoseong* (여자/여성), *femi* (페미), *yeoseongbu* (여성부), and *seongheuirong* (성희롱), all of which are commonly found in misogynistic speech on the internet.

We then narrowed the cases using search words including *yeosung*, *yeosungbu*, *nyeon* (bitch), *feminism* (feminism), *eongdeongi* (buttocks), and *gaseum* (breasts) to allow researchers to assess the nature and type of the content.

We also analyzed the impact of direct and indirect exposure to sexist hate speech on the emotional and behavioral reactions and physical and psychological experiences of women exposed to sexist hate speech. We used both online monitoring and a group interview to collect data. Online monitoring designed to collect cases of those who experienced sexist hate speech was conducted from March through April 2018. The online posts collected were not limited to those made during the two months of the study, but included some written in the past as well. The sites chosen for analysis included unpublished (feminist) Facebook pages, *yeoseongsidae* (여성시대), *yeosineun yisajung* (여시는 이사증), *Chukpang Café* (죽빵카페), Instiz, Nate Pann, and online college/university community sites (e.g. *daenamusup* (대나무숲)).<sup>3)</sup>

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([http://www.rankey.com/rank/rank\\_site\\_cate.php?cat1\\_id=18&cat2\\_id=208](http://www.rankey.com/rank/rank_site_cate.php?cat1_id=18&cat2_id=208), accessed on October 23, 2018.)

3) Data was collected by an assistant researcher in close cooperation with the researcher in charge at the KWDI. For example, the assistant researcher and the researcher in charge discussed and determined the sites from which the cases of victimization should be collected. The assistant researcher was then exclusively in charge of collecting cases and the researcher in charge provided feedback.

### C. Focused group interview

Furthermore, in order to collect actual cases of victimization and responses, a focus group interview was conducted with five women in their early to mid-20s who have encountered misogynistic speech. The interviewees were widely different in terms of their gender consciousness and interest in feminism. The goal of this interview was to cross-check the findings from the online monitoring and to illuminate ways in which sexist hate speech affects human relations. We also hoped to identify impacts of sexist hate speech that had not been revealed through online monitoring.

### D. International academic conferences

We held an international conference on June 27, 2018 with a goal of better understanding and sharing knowledge on the status of sexism and regulatory measures in other countries, particularly in Australia, Scotland, Belgium, and Finland.

### E. Advisory meetings

During the of research planning and execution stages, advisory meetings were held with women's studies scholars, big data researchers, and public servants (one meeting per each group) in order to discuss methods for collecting cases of sexist hate speech and pertinent measures for regulation.

## 4. Limitations and expected impact of the research

While we are pursuing effective means to regulate sexist hate speech,

it should be understood that we do not object to the principle of freedom of speech. In this regard, we argue that the hate speech subject to legal punishment should be limited to that of a provocative and violent nature in a narrow sense, and other forms should be addressed through education and voluntary regulation.

As to those who consider sexist hate speech to be a type of linguistic amusement or simply fad words, we expect that this research will help them understand to understand the danger and negative repercussions involved by presenting various cases of victimization and how women suffer from exposure to it.

## II . Concept of sexist hate speech

### 1. History of hate speech

According to Belavusau, the controversy over hate speech started in the early 20<sup>th</sup> century as a response to discourses on racism (Belavusau, 2017, 1). International treaties on racial discrimination have attempted to regulate hate speech from early on. The 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)<sup>4)</sup> and the 1966 International Covenant on Civil and Political Rights (ICCPR)<sup>5)</sup> are among the first global attempts to curb racist hatred. In Article 1, the ICERD defines racist behaviors as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin” and defines in Article 4 as an offense punishable by law any act of violence or incitement based on racism.<sup>6)</sup>

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4) <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>. Accessed on June 10, 2018.)

5) <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. Accessed on June 10, 2018.)

Article 20 (2) of the ICCPR attempts to ban hatred based on religion or race by stating that “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”<sup>7)</sup>

According to the recommendation on hate speech adopted by the Committee of Ministers of the Council of Europe in 1997, hate speech is understood as covering “all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism, or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin.” In international conventions, sources of hate speech have since been expanded to include gender, gender identity, sexual orientation, and the characteristics of individuals or communities.

While the flourishing online culture of the 21<sup>st</sup> century has allowed an expansion of hate speech, the internet is not the only place where it breeds. In an examination of the history of hate speech offline as well as online, Keipi et al. identifies hate groups in offline spaces and online social media as major agents for the spread of hate speech (Keipi et al., 2017). Notorious offline hate groups include the Ku Klux Klan, Holocaust Denial, and Christian Identity. ISIS is also a well-known religious terrorist group.

Expressions of slander and threats permitted by anonymity and physically distant encounters are rife in today’s online spaces. Flaming, which is defined as the online act of posting “vulgar words, insults, or

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6) International Convention on the Elimination of All Forms of Racial Discrimination.  
(<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>. Accessed on June 10, 2018.)

7) International Covenant on Civil and Political Rights.  
(<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. Accessed on June 10, 2018.)

personal attacks” (Lee Sooyeon et al., 2015, 24), has been worsening apace with the growth of the internet. Given that it is “an anti-social and negative behavior expressing emotions of anger and/or hostility” (Ju Gyeong-hee et al., 2013, 48), flaming can be said to be at the root of online hate speech. Flaming was common on online bulletin boards, popular sites for public debate in the early days of the internet. Along with the emergence of online hate groups, the trend toward ideological extremism seems to have greatly contributed to the evolution of flaming into today’s prevailing forms of hate speech. According to a survey on hate speech conducted by the National Human Rights Commission of Korea, over 90% of South Koreans (excluding immigrants) have encountered hate speech on the internet: 94.3% of men, 90.4% of women, 98% of members of a sexual minority, and 95% of the disabled reported having come upon hate speech online. The figure was 50% among immigrants (Hong Seong-su et al., 2016, 94).

Increasing concern is being expressed about hate speech in the international community, but hate speech against women is not yet visible in the relevant discussions. This comes despite the fact that women regularly experience sexist hate speech and its grave impact.

## 2. Cause and definition of sexist hate speech

### A. Cause of sexist hate speech

Racial hatred, which can be described as the origin of hatred against specific groups, is grounded in two base perceptions: discrimination (e.g. hatred against black people) and hostility (e.g. hatred against Jews). Hatred against Jews is likely to stem from hostility rather than discrimination and hatred against black people from discriminatory

beliefs. Misogyny, in the meantime, can be understood as anger experienced when traditional expectations of women stemming from gender stereotypes are not being met. It seems more to be originating out of discriminatory beliefs -men's negative reactions to increasingly equal gender relations- rather than hostility.

Sexist hate speech as an extreme form of gender discrimination is caused by a fixation on gender stereotypes. According to Glick and Fiske (1999, 200), stereotypes emerge out of groups' relative status and propose which group is more capable and which group is more attractive.<sup>8)</sup> If this is applied to gender stereotypes, men's higher social status leads us to believe that men are more capable than women and women's lower status inspires a belief that women are more likable but less capable than men (ibid., 201). Women's likability is based on a stereotyped belief that women have low capabilities, are satisfied with their status, and are willing to cooperate with men. This kind of stereotype helps maintain the status quo in gender relations while men as the dominant group attempt to legitimize their status by sustaining the stereotype. Despite the unprecedented recent shifts in gender relations and improvements to women's status, negative stereotypes of women remain strong. This can be explained by men's efforts to sustain traditional stereotypes by assigning a new stereotype to career women as a sub-group of women: career women are capable but less likable, while most women are less capable but more likable. The establishment of this negative stereotype of women may be the last weapon that men can wield in response to "undesirable" changes in the world.

Misogyny can be interpreted as a response by men to the weakening of gender stereotypes that once served as the logical foundation for male

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8) This notion of capacity and likability is also applied to racial stereotypes.

dominance. It is an expression of anger, particularly against the loss of relational femininity, such as women's perceived traits of provision of emotional support, purity, and sacrifice, which have served as pillars in the relationships between men and women. Sexist hate speech that belittles, objectifies, or subjugates women with an intention to intimidate or instigate violence against them reveals the extreme hostility that men feel against women who act counter to their stereotype. The sense of betrayal they feel due to the new femininity developed by women leads to aggressive and belligerent attitudes toward women. Using criticism, disparagement, and objectification, they attempt to make women surrender and become subservient. In this regard, misogyny can be considered an extreme form of gender discrimination.

Conquering women sexually is particularly emphasized in misogyny because of stereotypes related to sexuality. In this regard, Dodge introduces the concept of rape culture as a social belief system that encourages male sexual aggression and violence. This is the perspective of normalizing men's sexual aggression against women on the basis of women's sexual purity and men's sexual prowess (Buchwald et al., 2005, xi, quoted in Dodge, 2016, 67). Hate speech of a sexual nature spreads sexual stereotypes such as "women are sexual objects," "men may sexually assault women," and "women should be sexually pure and passive," claiming that women who fall outside the range of these stereotypes are impure, "whores," and deserve to be raped.

Sexist hate speech tends to be focused on women who are engaged in areas that challenge the traditional stereotypes of women, such as politics and computer gaming. In both Europe and the United States, cases of misogyny have been reported targeting female journalists, bloggers, politicians, and gamers (Powell & Henry, 2017; Organization

for Security and Cooperation in Europe, 2016, Fox & Tang, 2016; Jane, 2016, Barlett et al., 2014, Jenson, J. & S. De Castell, 2013, Weston-Scheuber, 2012,). In South Korea, a number of cases have been publicized in which female gamers experienced sexist hate speech while playing online games. Female gamers are often named using references to women's genitalia or are sexually objectified by male gamers (e.g. Male gamers say "Let's go rape" or "Let's go eat them" to mean "Let's go fight."). They also report that they have been threatened with rape during or after a game and have received threatening emails and messages, at times for months (Lee Su-yeon et al., 2014, 175-180). This kind of hate speech against female gamers, which is based on a prejudice that gaming is a male arena and women are not proficient gamers, is a warning or expression of anger against women who do not seem to know where they belong.

There were also reports of cases of hate speech targeting South Korea's female president. According to a gender-focused monitoring of online content conducted by the Korean Women's Development Institute in 2015, one of the seven topics of sexist expressions on the internet was a negative attitude toward the president. In this case, the female president, as a symbolic figure performing outside the range of "proper" women's roles, was sexually objectified, criticized, and disparaged (Lee Su-yeon et al., 2015). Women who do not fit within the traditionally desired femininity are also labeled with terms such as *doenjangnyeo* (된장녀), *kkolfemi* (꼴페미), and *kkotbaem* (꽃뱀), among others. *Doenjangnyeo* refers to women who prefer luxury goods and exploit men in order to satisfy their desires; *kkolfemi* is used to indicate unreasonable radical feminists; and *kkotbaem* are those who seduce men in order to steal money from them. All of these words use attributes of certain women

to disparage women as a whole. There are also words used to refer to all the women of a given ethnicity, like *Kimchinyeo*, which describes all South Korean women as loathsome objects.<sup>9)</sup> Furthermore, expressions that describe women with terms for female genitalia are another type of hate speech that mocks all women as soulless homogeneous objects. This kind of stereotyping denies the individuality of women and reduces them to their sexual function.

#### B. Definition of sexist hate speech

Sexist hate speech can be broadly defined as expressions that disparage, sexually objectify, and/or subjugate women. However, a definition for the purpose of legal regulation needs to be further specified based on the degree of gravity and actual plausibility of regulation of the speech. There are already definitions of hate speech devised with regulation in mind. Article 19, a British human rights and charity organization, classified it into three categories based on the degree of harmful effect: hate speech that must be prohibited, hate speech that may be prohibited, and lawful hate speech.<sup>10)</sup> First, hate speech that must be prohibited refers to severe forms of hate speech prohibited by international criminal law and Article 20(2) of the ICCPR, including any advocacy of discriminatory hatred that constitutes incitement to discrimination, hostility, or violence. Hate speech that may be prohibited is hate speech that can be restricted under limited and exceptional circumstances provided it meets the three requirements of Article 19(3)

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9) Similar labels include *yeosichungdeul* (여시충들) and *meongbulheojeon chosun nyeondel* (명불허전조선년들).

10) Article 19, 'Hate Speech' Explained: A Toolkit. (<https://www.article19.org/data/files/medialibrary/38231/'Hate-Speech'-Explained---A-Toolkit-%282015-Edition%29.pdf>. Accessed on June 10, 2018.)

of the ICCR (is provided for by law, in pursuit of a legitimate aim, and necessary in a democratic society).

Shin Seon-mi (2017, 21) groups hate speech into the following types based on the argument that focusing on remedies for victims means that the categorization should be based on the severity of victimization, social impact, incitement, violence, perpetration, sadism, and the possibility for self-regulation and tolerance: acceptable hate speech, invasive hate speech, and inciting hate speech. According to Shin, acceptable hate speech includes “prejudice and discrimination based on race, ethnicity, or religion but the level of insult, slander, or abuse is within the socially accepted range of the freedom of speech” (ibid., 21). This does not mean that it can be unconditionally accepted, but indicates the degree of severity that falls within the range of freedom of speech and interest-balancing. Invasive hate speech refers to “language, behaviors, documents, or films that constitute hatred, insult, and/or intimidation against certain individuals or groups based on the elements of racial discrimination including ethnicity, race, and color of skin” (ibid., 22). In such a case, Shin suggests that civil or administrative remedies are preferable to criminal remedies. Lastly, inciting hate speech is considered as an “expression of hate that instigates genocide, discrimination, hostility, or violence” and should be addressed by criminal prosecution (ibid., 23).

According to Lee Seung-hyeon (2016), hate speech can be divided into inciting hate speech and targeted hate speech. The former is related to an “expression of hate that induces a specific attitude and belief or incites certain actions, while the latter “aims to deliver the actions of hatred directly targeting individuals or groups” (ibid., 50-52). It can also be categorized into explicit hate speech and de facto hate speech according

to the type of statement. The former involves insulting and abusive language, while the latter is a more implicit form of speech communicating hate and disparagement. On the surface, de facto hate speech may appear like a legitimate argument or normal expression of opinion (ibid., 53).

The purpose of classifying hate speech is to determine the plausibility and degree of regulation based on the severity of the hate. Determining the severity of hate speech, however, is not an easy task due to the multilayered nature of language and the subjectivity of personal judgement. For example, it appears implausible to establish a consensus standard on the severity required to be considered a severe insult or disparagement, on the acceptable range for freedom of speech, and on whether or not an expression is intended to communicate discrimination/hatred. A standard that changes case-by-case cannot serve as a principle. Therefore, a clear and succinct definition is needed to classify hate speech that calls for legal regulation. All of the definitions discussed above concur that hate speech that incites violence should be subject to regulation. In particular, violence and incitement seem to be a prerequisite for criminal punishment. Hence, sexist hate speech that amounts to a criminal offense can be defined as hate speech that disparages, sexually objectifies, and/or subjugates women by threatening or inciting violence against them.

Hate speech can also be classified into an expression of opinion or an expression of disparagement and insult. There may be controversy about what is opinion and what is disparagement. In principle, criticizing another sex based on common gender stereotypes can be viewed as hate speech in the form of opinion. For example, criticism of women who fail to fulfill traditional gender roles or an expression of hostility against the Ministry of Gender Equality and Family would belong here.

However, there are terms such as *kimchinyeo* that do not appear to be overtly calling for any violence, but most people are aware that it implies a disparagement of South Korean women. Nevertheless, the standard for judging this word to be hate speech is nebulous and can be controversial, making it difficult to be used as a basis for criminal prosecution even if the person who used it had the intention of belittling women. For this reason, sexist hate speech is considered part of a normal expression of opinion unless it is made in a form with a clear denotation.

The received sense of disparagement and insult is related to the degree of objectification, belittlement, and defamation of the victimized woman. This also applies to the impact of name-calling and contempt. If hate speech defined as an expression of opinion is subject to educational correction, this type of hate speech can be considered a matter of civil defamation or insult. Since typical hate terms such as *kimchinyeo* and *mamchung* (맘충) are generally used as fad words, it would be difficult to address them through legal measures and instead the public needs to be guided through education to voluntarily discontinue their use. In the case of these words being used in combination with an expression of insult and/or incitement, however, the degree of hatred should be considered aggravated.

### III. Reality and impact of sexist hate speech

#### 1. Background

Although a significant number of discussions have recently been devoted to hate speech and potential regulations, there are few studies that have analyzed specifically sexist hate speech. In addition, relevant

surveys have been limited to examining the frequency of encountering sexist hate speech and victims' responses. In this chapter, we will examine the status of sexist hate speech through concrete cases and present related cases of victimization.

## 2. Cases of sexist hate speech

### A. Sexist hate speech in the form of an expression of opinion

We defined as an expression of opinion the following type of sexist hate speech: an expression of hatred against women, the women's movement, and/or women's policies (Ministry of Gender Equality and Family) that contains hate words targeting specific gender groups (*hannamchung* (한남충), *halapchung* (할앵충), *kkolfemi* (꼴페미), *kimchinyeo*, and *seushinyeo* (스시녀)) but does not directly target or violate the rights of certain individuals or groups or incite violence.

### B. Sexist hate speech that constitutes disparagement or insult

Cases of sexist hate speech classified as disparagements of or insults directed at individuals or groups have the following characteristics: they contain hate words against a specific gender (*kimchnyeon* (김치녀), *boji* (보지), *changnyeo* (창녀), *kkolfemi nazi* (꼴페미나치), *feminism joiseok* (페미니즘 좌석, seats for pregnant women in public transportation), and *seonghyeongchung* (성형충)) and contain the intention to disparage certain groups of people based on gender stereotypes. Posts that sexually objectify women and compare Korean women with women from other countries, mock the genitalia of the female president, or ridicule certain women are included in this category.

### C. Sexist hate speech amounting to violence or incitement

Cases of sexist hate speech amounting to violence or incitement shared expressions of incitement to severe violence against women with certain perspectives of national security or radical ideologies: e.g. “Go beat them up” (가서 조카 패줘라), “Take out their eyeballs” (눈까리를 뽑아야 된다), or “They should be raped” (강간해야 된다).

## 3. Impact of sexist hate speech

### A. Theoretical discussion

We examined the impact of exposure to sexist hate speech on women and the extent to which previous studies on the impact of general hate speech can be applied to specifically sexist hate speech. We also classified cases of victimization in accordance with the theoretical discussion in order to understand their influence on the victim’s emotions, behavior, physical symptoms, and consciousness, and the impact on the society as a whole when such consequences were experienced in a repeated or prolonged fashion.

#### 1) Emotional impact

Most commonly, women exposed to misogynistic speech underwent a direct emotional impact, including irritation, a sense of unpleasantness, and disgust, along with less extreme emotions such as discomfort or embarrassment.

Some women felt depressed and sad over being a powerless victim. One woman said, “I already have so much stress from my real life, so I almost cried when I saw it.” Generally, women in their teens through

30s who frequently encounter sexist hate speech experience not only embarrassment, irritation, and discomfort but also depression and sadness over their helplessness in such situations.

## 2) Behavioral impact

In addition to emotional distress, a behavioral impact was also noticeable. Victimized women's responses could be divided into three types: the woman confronting the offender proactively to halt his behavior and protest the inappropriateness of such expressions; the woman taking a passive approach, reducing the range of her activities to avoid further encounters with sexist hate speech; and no response on the part of the woman.

### a) Making no response / Not knowing how to respond

Despite feelings of unpleasantness or irritation, such emotional distress rarely led to action. Unlike in normal exchanges of opinion, people who react to hate speech usually fall into an entangleable loop: When they react to hate speech, they become the one reproducing hate. Furthermore, the more they react, the more they often end up spurring someone's hate speech.

Even if women are aware of the severity of the problem, they often fail to respond because they feel they have missed the proper time to respond or could not decide on the best way to do so.

### b) Withdrawal or refrainment from engagement or membership

In many cases, women chose to give up or refrain from further active engagement rather than take proactive measures. A woman coded E who participated in the group discussion recounted the experience of having

encountered hate speech directed at her in relation to her activities on the student council of her university. Afterwards, she consciously avoided the anonymous online school community site. After time, she claims to have forgotten how it felt when she first encountered it, but still chose not to monitor any responses on her activities. Even when she saw a post in which somebody threatened to kill her, E did not take any action. Because she was involved in public activities through the student council, she thought she should have to bear blame and attacks to a certain degree. She also knew that the administrator of the site, whose help she would need in order to discover the offenders' identities, was not cooperative with this kind of problem. She knew all too well that this could not be solved through official channels and therefore gave up on the possibility of taking action and simply decided to avoid the site. She felt she might actually know who the offenders were, but pretended she did not know what was going on when she met them offline.

c) Proactive responses / other people's dissuasions / reproduction of hate speech

In contrast, some took proactive measures against hate speech. We found a number of such cases through an online survey of victimization. Examples of strong reactions include "I get so angry and come back with equally obscene language when I run into someone who expresses sexist hatred against women. I've found it to be fun" and "I once felt devastated when I met a real psycho in an online game, but after two weeks or so I got a grip and started bashing up those guys. That helped me get over the trauma." In the latter case, violence was chosen as a method to overcome trauma. This is in line with the findings of Ybara

et al. (2008), who identified a correlation between the frequency of exposure to violence and its perpetration.

Although it may seem that a large number of women actively react to hate speech on the internet since the stories of such women are widely circulated, it is assumed that more women in fact remain silent because they do not know how to react in such situations, as revealed in the interviews, and simply reduce their range of activities.

### 3) Physical and psychological impact: trauma and fear

There were cases in which victimized women detailed how they felt physically and psychologically when they encountered sexist hate speech: “I suffered from gastritis and other problems when I first experienced it,” “I used to get a lot of stress from those guys, although when I actually met such people it wasn’t like my heart started pounding or I felt like crying or something,” (after breaking up with a boyfriend who used some horrible hate words) “My hands are still shaking. This is so sad,” and (after being subjected to extreme name-calling from a boyfriend) “How did you get over it? I’ve been crying for about five hours. I keep drinking but my mouth still feels dry and I feel like I can’t breathe.” These cases show that exposure to misogynistic attitudes can result in physical harm similar to the experience of physical violence.

Furthermore, sexist hate speech sometimes produced long-term trauma and fear among women, again similar to the impact of physical violence. Victimized women detailed their experience of psychological trauma and shock and how difficult it was to overcome, indicating the long-term effects of a trauma caused by verbal abuse on the internet.

In the meantime, there were some women who chose to hide their

identity on the internet following exposure to sexist hate speech. In summary, sexist hate speech at times led victimized women to experience physical and psychological trauma and fear and these consequences did not disappear easily, but affected them for an extended period of time.

#### 4) Perceptual change

Some reported that repeated exposure to misogynistic speech desensitized them to it. However, this does not mean that they had become completely indifferent to misogyny since many women undergo a perceptual change over time. In some cases, experiencing it from a family member or someone with whom they have a romantic linkage led to loss of trust in others and in society.

##### a) Tolerance / awakening

As indicated in the statement that they have become desensitized to the problem through repeated exposure, victims of sexist hate speech seem to be overcoming the traumatic incident and returning to a more ordinary life.

However, all interviewees agreed that their life before and after the exposure was not the same. One woman, who is referred to as D here, confessed that once when she went out on a group blind date, one of the men asked the women if they were *kimchinyeo*. Because that word was so commonly used on the internet and she had heard it routinely, she answered “Of course not.” Since she has become aware that it is sexist hate speech, she feels she could no longer overlook similar situations. She did not wish to continue in relationships with people who use such language.

They also agreed that after their experience, the other person's perspective on women and feminism became an important factor in their relationships. This shows how victimized women become inured to sexist hate speech but experience changes in their perceptions and attitudes in the long term.

b) Loss of trust in others and in society

What was also noticeable was the perceptual change that women experienced after hearing sexist hate speech from family members or an intimate partner. Unlike when they encountered abusive language from a stranger on the internet, this experience resulted in a loss of trust in the family and in wider society.

A woman who heard misogynistic expressions from a parent expressed confusion, saying "I'm shocked and dumbfounded. I don't know whom I can depend on if the person who created<sup>11)</sup> me can say things like that." Other responses from people who experienced sexist hate speech from family members include "I'm so sick of my grandmother who is so misogynistic" and "I don't know why my good little brother uses words like *kimchinyeo*. How can I help with this?" Regarding boyfriends who showed or implied sexist hatred to other women, most women dearly hoped that their boyfriend was not really a *hannam* (sexist Korean man). As demonstrated here, exposure to sexist hate speech leads to distrust in others, including family members and the society as a whole.

We also found that in some cases, exposure to sexist hate speech caused women to distrust men in general. They were afraid that a potential romantic partner may not actually be different from those Korean men who freely use sexist hate speech. Exposure to sexist hate

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11) A sarcastic expression referring to parenting.

speech caused women to close their hearts not only to strangers, but also to potential partners.

For example, a woman, who is here referred to as C, was suspicious that her boyfriend might be using sexist hate speech when he is not with her. Because he seems like a conventional Korean man, she worried that he might be demeaning her on sites without her awareness. She confessed that she secretly checked his cell phone even though she knew it to be a violation of his privacy and not proper behavior. She said that she sometimes wants to check his cell phone not because she is curious about his private life, but because she wishes to protect herself from being abused by an unknown group of sexist men.

#### IV. Status of regulations on sexist hate speech and improvement measures

##### 1. Rationale behind and types of regulations on hate speech

###### A. Rationale

There are two different positions on the regulation of hate speech. When upholding freedom of speech, opponents argue that regulations would be unable to suppress hate speech. Proponents state that hate speech should be regulated in support of democratic ideals and equality.

This division of opinion is related to the unique characteristics of hate speech. Legitimacy is given to opponents of regulation when hate speech is deemed part of the general expression of opinion and to proponents if hate speech is considered an expression of hostility against minority groups and therefore a violation of their rights.

## B. Types of regulation on hate speech

Currently, hate speech is regulated by criminal law (e.g. Germany, Australia, Canada, and France); by human rights law (e.g. the UK and Canada); by laws against racial discrimination (e.g. Australia and France); and by local government ordinance (e.g. Osaka, Japan). In some cases, however, regulations on hate speech are restricted by law (under the freedom of speech protected by the First Amendment of the US Constitution).

## 2. Status of regulation of sexist hate speech

### A. Countries with relevant regulations

Countries that regulate sexist hate speech include France, Canada, Australia, and Belgium.

In France, Article 24(5) and (6) of the Press Freedom Act addresses, “those who incite discrimination, hatred or violence against a person or group of persons on account of their origin or membership or non-membership of a given ethnic group, nation, race, or religion; or incite hatred, violence or discrimination in economic activities, provision of public services, employment and vocational training, social security, and appointment to public offices against a person or group of persons on account of his true or supposed sexual orientation or gender identity, or disability.” In addition, Articles R624-3 and R624-4 of the Criminal Law prohibit “any private defamation of a person or group of persons on account of their origin or membership or non-membership of a given ethnicity, nation, race, religion, sex, sexual orientation, or disability.”

Canada used to have Section 13 of the Canadian Human Rights Act which defined as a discriminatory practice any matter that is likely to expose a

person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of race, nationality, ethnicity, color, religion, age, sexuality (including pregnancy and childbirth), sexual orientation, marriage, family background, disability, or conviction.

Australia's Racial Discrimination Act and Racial Hatred Act make it unlawful for someone to offend, insult, or humiliate a person or group based on the color of their skin or their racial or ethnic background. In its criminal law, Australia also prohibits violence against a person belonging to target groups identifiable by race, religion, nationality, ethnicity, or political opinion.

In Belgium, the anti-racism law punishes incitement to discrimination, hatred, or violence against a person on account of race, color, national origin, or ethnic descent. Hate speech based on sex is not included in this law, but it is regulated under the country's anti-sexism law.

#### B. Limitations of regulations on sexist hate speech and the need for improvement

Despite the legal basis for regulating sexist hate speech in these four countries, cases of actual punishment are rare for the following reasons.

In Belgium, sexist hate speech can be punished under the anti-sexism law. Since the relevant provision is limited to sexist language used against "a person," however, incitement of discrimination, sexual harassment, violence, hatred, or separatism against a group or groups is not punished. Furthermore, hate speech is limited to verbal speech only.

In Australia, expressions of racial hatred are strictly prohibited under both federal and state laws. However, laws to allow civil remedies or other legal actions against sexist hate speech are limited.

Scotland has not established laws on hate speech or sexism. Gender is considered an unlawful basis for prejudice under criminal law. For example, the Abusive Behavior and Sexual Harm Act has introduced a provision on revenge pornography in order to respond to image-based sexual violence. However, verbal abuse or sexist hate speech is not included. Sexist hate speech on the internet is regulated under the UK Communications Act, but its actual influence is minimal. While criminal law can be potentially applied to sexist hate speech, the offender's behavior in question should constitute "harassment" as defined by the law. Lastly, the grounds for legal protection under the hate crime act include race, religion, age, disability, and sexual orientation, but not gender. This is in contrast with the country's equality provision, which includes gender as a subject of protection.

### C. Implications of overseas regulations

Belgium, Australia, and Scotland have all enacted laws on gender-based hate speech and sexism or other laws that can be applied to sexist hate speech, but have failed to successfully regulate it. In the case of Australia, for example, the law on hate speech is focused on racial discrimination and fails to include sexism. In Belgium, the anti-sexism law explicitly prohibits sexist behaviors in public spaces, but is confined to offenses against individuals, failing to punish sexual offenses or sexist hate speech targeting women as a group. With no specific laws on hate speech or sexism, Scotland must seek ways to include provisions on sexist hate speech through the Abusive Behavior and Sexual Harm Act, Communications Act, Criminal Justice Act, or other hate crime laws. However, reluctance on the part of the Justice Secretary seems to be presenting a major obstacle.

### 3. Measures for institutional responses against sexist hate speech

#### A. Status in South Korea

South Korea upholds freedom of speech and does not maintain specific laws to prohibit hate speech. Hate speech against individuals can be dealt with under the crime of defamation or insult as defined in criminal law. It can also be regulated if it constitutes what is defined as unlawful information. However, the current system is insufficient to control the rapid expansion of hate speech on the internet. It is therefore necessary to reflect on measures to regulate sexist hate speech.

#### B. Suggestions for the introduction and revision of laws to regulate sexist hate speech

The introduction of a law on hate speech would be welcomed as a symbolic gesture to indicate that hate speech is prohibited in South Korea and would provide practical help in addressing the problem. In this case, a provision on hatred needs to be introduced to the Criminal Code, and women should be specifically included among the targeted groups. The conditions for punishment should be limited to incitement of violence. Article 307 in the Criminal Code regarding the crime of defamation, which is currently limited to defamation against individuals, needs to be expanded to cover both individuals and groups. Instead of pursuing criminal punishment, the prohibition of hate speech should be explicitly defined in the Gender Equality Act in order to raise awareness of the harms of hate speech.

The introduction of a comprehensive anti-discrimination act would be another option given that hatred is based on a discriminatory attitude against its victims. Such a law could specify the prohibition of

discrimination against individuals and groups on the basis of gender, race, religion, and other grounds, and include hate speech as an aspect of discrimination. Another idea would be to revive the Gender Discrimination Act that was repealed in 2005 and include provisions on sexist hate speech.

Currently, the Act on Promotion of Information and Communications Network Utilization and Information Protection includes a provision that defines defamatory content and content that provokes fear and anxiety as unlawful. This provision on defamation should be revised from “...in order to slander a person...” to “...in order to slander a person or group...” to ensure that it can be applied to hate speech against women.

The Regulations on the Deliberation of Information and Communications by the Korea Communications Standards Commission features a clause defining behaviors that harm social integration and the social order, but hate speech is not included. This clause could be revised so as to provide a clear basis for regulating hate speech: e.g. “inciting discrimination, prejudice, or violence against individuals or groups on the basis of gender, religion, disability, age, social status and background, region, or vocation without any justifiable cause.”

### C. Addressing sexist hate speech through collective or self-regulation

Self-regulatory policies need to be established in order to allow online service providers to help prevent the spread of hate speech on the internet. Self-regulation could be implemented in either of two ways: Private service providers making collective responses or individual service providers establishing and implementing their own regulations.

The Korea Internet Self-governance Organization (KISO) was launched

in 2008 as part of an effort to promote self-regulation of online portal services. It currently spans eleven member organizations including Naver and AfreecaTV. Although the KISO maintains a policy of deleting insults and hate speech directed against individuals on the basis of gender, hate speech has yet to be eradicated on the service networks of its member organizations. It is necessary to clearly define hate speech and implement a more effective monitoring and reporting system.

Among online service providers, YouTube, AfreecaTV, Naver TV, VLIVE, Twitch, Kakao TV, Pandora TV, and Popkon TV have self-regulation policies for the content posted on their networks. However, only YouTube, Twitch, and Kakao TV include provisions on hate speech. YouTube and Twitch, in particular, highlight gender-based hate content as an area of concern. Other service providers should follow their example and prohibit hate content on their networks with clear procedures in place for reporting and penalties.

#### 4. Conclusions

Sexist hate speech causes harm at both the conscious and unconscious levels. Teenagers who use hate speech as fad words can unwittingly establish discriminatory attitudes toward the other gender. Meanwhile, those who understand the implications of hate speech will experience serious psychological distress when they are exposed to it. The widespread use of sexist hate speech in classrooms, on the internet, and among friends is a serious problem. Efforts are needed at awareness-raising and prohibition.

It can be difficult to educate about sexist hate speech. First of all, teachers may not understand what they hear because it is used as slang

terms among teenagers. Students can freely participate in sexist hate speech amidst teachers' indifference. Even when teachers know about some terms, new ones continue to be coined in online communities and on personal broadcasts. Students can adopt them nearly instantly, so simply listing prohibited words does not work. The most effective and fundamental education is to teach students the implications and harm of sexist hate speech. Along with this, the symbolic authority of the law is needed to help the public come to understand that sexist hate speech violates social ethics and is forbidden.

This research began with concerns about the harms of sexist hate speech. We have suggested legal measures to address the problem based on relevant regulations in other countries. While authorities in many countries are acutely aware of the need to regulate hate speech against women, few have successfully done so. This is not because the problem lacks gravity, but because of the patriarchal nature and deeply rooted practices of the related laws and institutions. Another important point for consideration is the potential negative effect of sexist hate speech on freedom of speech. Given that misogynistic aggression suppresses the desire of women to speak, however, the prohibition of sexist hate speech can in fact increase the overall level of freedom of speech. Our position is that the range of sexist hate speech subject to legal regulation should be strictly limited so that expressions of opinion at the common-sense level remain protected. Prohibiting sexist hate speech by law, ideally complemented by self-regulation on the part of internet service providers, would serve as a symbolic device to combat the problem and enable punishment when necessary.

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