Genie out of the bottle

News coverage of hate speech prosecution and its (unintended) effects on democratic support

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Chapter 1

Introduction
Legal Actions against Political Actors

Election night 2014, The Hague: Geert Wilders, leader of the Dutch Freedom Party (PVV) asks his supporters if they want “more or fewer Moroccans”. The crowd chants “Fewer! Fewer! Fewer!”. Wilders responds with “Well, then we will arrange that”–a statement with tremendous consequences, it turned out, as a prosecution trial for hate speech followed that still continues six years later.

There is only limited scholarly knowledge about the consequences of legal actions against political actors on public opinion. This is surprising, given how common these types of legal actions have been over the last decades. Entire political parties have been banned across Europe, for instance the Czech Workers’ Party (DS) or the Belgian Flemish Block (De Leeuw & Bourne, 2019). Parties have been banned, but what is more common—and the focus of this dissertation—is hate speech prosecution of politicians. Dozens of political representatives and leaders have faced legal prosecution for insulting certain groups within the population and inciting and spreading hatred. For instance, both Günter Deckert (NPD, Germany) and Jean-Marie Le Pen (FN, France) have been sentenced for Holocaust denial. Leen van Dijke (RPF, merged into the Christian Union, the Netherlands) was prosecuted for statements about homosexuals, and Daniel Féret (FN, Wallonia) was stripped from his political rights in 2006 for spreading flyers with explicit anti-immigrant messages.

Due to politicians’ representative role in society, and the controversial nature of hate speech prosecution, hate speech trials arguably have consequences for society and citizens. Since hate speech prosecution deals with the difficult balancing act between two fundamental rights in liberal democracies—i.e., the right to free speech and the right to be protected from discrimination—these trials may affect citizens’ support for their country’s democratic regime. When democratic support decreases, citizens are less likely to comply with the law and authorities (Norris, 2011). Moreover, lower democratic support has been found to increase citizens’ propensity to vote for anti-establishment parties (Bakker, Jolly, & Polk, 2020). Since many prosecuted politicians represent parties that aim to invoke anti-establishment sentiments, prosecution may de facto increase support for their political parties. Given these potential unintended consequences of hate speech prosecution, should the genie not be kept inside of the bottle?
To advance our understanding of the effects of hate speech prosecution on democratic support, it is vital to look into the public debate on hate speech prosecution in the news media. Not only do news media often extensively report about prosecution trials (Jacobs & van Spanje, 2020), but they at times choose sides in the public debate, as the Wilders trials have demonstrated (e.g., Klein, 2014). This shows that the media do not only report about the issue, but also have the power to steer the debate by choosing how to report on hate speech trials (framing: Entman, 1993). Moreover, the prosecuted politician may use the trial as a media-savvy tactic: Politicians may use the free speech argument as a strategy to defend their utterances, even though these may oppose social equality and anti-racism norms. They may also frame the trial as “political” and as a strategy pursued by the political elites to remove the prosecuted politician from the political game (Posner, 2005). In efforts to further the understanding of the (unintended) consequences of democratic support, the content and form of the public debate on hate speech prosecution in the news media should not be overlooked.

To sum up, in this dissertation I aim to shed light on the following two questions:

1. How does the public debate on hate speech prosecution evolve in the news media?
2. What are the (unintended) consequences of exposure to decisions about hate speech prosecution on citizens’ democratic support?

These questions are answered with a combination of experimental and non-experimental methods. A content analysis of media data of the court trials against Wilders provides insights into how the media debate on hate speech trials is constructed (Chapter 2). Next, experiments are used to provide causal evidence of the effects of exposure to decisions about hate speech prosecution on democratic support (Chapters 3 and 4). By combining literature and insights from both communication science and political science, this dissertation aims to shed light on the issue from an interdisciplinary angle (see Figure 1.1 for the conceptual model). In this way, I complement extant literature on hate speech prosecution that mainly adopts a historical, comparative constitutional law and/or political science perspective, and focuses primarily on the normative and historical reasons for hate speech prosecution (e.g., Askola, 2015; Bleich, 2011; Capoccia, 2013; Fennema, 2000; Minkenberg, 2006). With the likelihood of more prosecution trials against political actors to follow, it is key to provide more empirical evidence for the (unintended) consequences of hate speech prosecution and the role of the media in shaping the public debate.
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In what follows, I will further unpack the concept of hate speech (prosecution), by zooming in on its definition and its legal framework. This is followed by a discussion of the theoretical background per section. I conclude by discussing the context of the dissertation and the data and methods.

Figure 1.1
Conceptual model of dissertation

Public debate on hate speech prosecution in the news media and its effects

News media content
(Chapter 2)

Effects on democratic support
(Chapters 3 and 4)

Hate Speech (Prosecution)

Hate speech. The European Court of Human Rights (2017) defines hate speech as “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 toward minorities, migrants and people of immigrant origin.”

Hence, hate speech can occur based on many different grounds. In this dissertation, however, I focus on hate speech by anti-immigration politicians, since a fertile breeding ground for hate speech is typically found in this category of political parties (Fennema, 2000; Van Donselaar, 1995). In this dissertation, I refer to anti-immigration parties as a subtype of political parties that have
adopted the immigration issue as their core political concern, or are treated by elites of other parties to have done so (Fennema, 1997; van Spanje, 2011). Specifically, I focus on hate speech by anti-immigration politicians directed at ethnic, racial and religious minorities and/or immigrants, given increasing polarization regarding diversity, integration and immigration (Berntzen, Bjånesøy, & Ivarsflaten, 2017). Various anti-immigration politicians have been accused of and prosecuted for alleged hate speech targeting the aforementioned groups (Askola, 2015; Bleich, 2011b; Van Donselaar, 1995; Vrielink, 2010). Just a few other examples are Udo Voigt (NPD, Germany), Nick Griffin (BNP, the United Kingdom), and Marine Le Pen (RN, France). Hate speech by anti-immigration politicians might be the result of opposition against immigration, Islam or criticism toward multiculturalism, or it might be the goal in and of itself—but the general message is that the country’s traditional culture is threatened by “outsiders”, and should be restored.

**Legal framework for hate speech prosecution.** Equality of all persons is one of the fundamental values of liberal democracy. In the years following World War II, the legislation on hate speech prosecution has been firmly established. In December 1965, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1965: art. 4) was unanimously adopted by the United Nations. This convention obligates countries to undertake action in abolishing the promotion of racial hatred and discrimination in any form. As of today, 182 countries worldwide are party to the ICERD.

Prosecution for hate speech resonates with the idea of political systems as “militant democracies”, a term coined in the 1930s by Loewenstein (1937) that implies repressive measures against anti-democratic forces. Liberal democracies in the Western world are widely known for their compromise and consensus, right to free speech and free association. Ironically, exactly these characteristics make democracies vulnerable to threats to their democratic nature, as political powers may use these traits to overthrow the system (Rijpkema, 2018). The past experiences of European countries with fascist take-overs have resulted in legislation against political actors in some of these countries (Capoccia, 2005, 2013; Fennema, 2000; Loewenstein, 1937; Minkenberg, 2006). This has also been described as the “democratic dilemma” or the “democratic paradox”, as it requires democracies to adopt measures that may seem “undemocratic” in order to restrict fundamental rights (e.g., free speech), to protect other fundamental rights (e.g., equality of all persons) and to prevent the democratic system from being eroded (Rijpkema, 2018).
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However, the ICERD also states that legislation for hate speech should not disregard “the principles embodied in the Universal Declaration of Human Rights” (1965: art 4), which includes freedom of expression. Free speech is an age-old cornerstone of liberal democracies (Bleich, 2011b; Flauss, 2009). It is recognized in most international documents on human rights, including in the earlier mentioned United Nations Universal Declaration of Human Rights (UDHR, 1948: art 19), in the International Covenant on Civil and Political Rights (ICCPR, 1966: art 19), and in the European Convention of Human Rights (ECHR) (Council of Europe, 1950: art 10). Yet, free speech comes with limitations. The ICCPR states that article 19 carries “special duties and responsibilities“ and that certain restrictions to free speech may be applied when the rights or reputations of individuals or nation states are in danger.

So when does free speech become hate speech and where should we draw the line? The international regulations on hate speech are ambiguous. Political authorities are free to determine the boundaries of free speech, which has resulted in wide discrepancies within legislation and enforcement across European countries (Brems, 2002). While most countries that ratified the ICERD have introduced laws to prohibit hate speech and have also acted upon those laws by bringing political representatives to court, fewer countries have resorted to banning entire parties. Besides, while the United States has ratified several international human rights conventions related to hate speech, and free speech can be limited (e.g., for national security reasons), free speech is deeply embedded in American jurisprudence (Bleich, 2011a). Subsequently, hate speech prosecution, especially of elected officials, is virtually impossible in the US.

While legal prosecution has been progressively used as an instrument in (mainly Western-) European democracies to eradicate hate speech, it remains a contentious issue: The decisions that public prosecutors make regarding prosecution of the politician will arguably create substantial debate in the public sphere, and may affect citizens’ democratic support. Hence, even when the decision to prosecute is proscribed by law, it is relevant to assess the implications of these trials.
Part 1: The Public Debate on Hate Speech Prosecution in the News Media

Since hate speech prosecution is a multifaceted issue that is highly mediatized (Askola, 2015; Jacobs & van Spanje, 2020), journalists may report about the issue from different angles. As news reporting has the power to influence how citizens perceive an issue and consequently may act upon it (Mazzoleni & Schulz, 1999; McNair, 2009; Zaller, 1992), it is key to advance our understanding of how journalists report on hate speech prosecution, and the external factors that may influence news reporting.

News media form a cornerstone of modern liberal democracies (Chong & Druckman, 2007; de Vreese, 2005; Koopmans & Statham, 2010; McCombs, 2018). In mediatized societies, the news media are the most important source of information about political actors, issues and policies, which makes the media politically influential (Bennett & Entman, 2001; Mazzoleni & Schulz, 1999; McNair, 2009; Strömbäck, 2008). The media are at the core of creating the “public sphere”—the “realm of social life in which public opinion can be formed” (Habermas, Lennox, & Lennox, 1974, p. 49).

Hate speech prosecution trials are often highly mediatized (Jacobs & van Spanje, 2020). The newsworthy nature of hate speech prosecution trials partly results from the clash between two democratic values (free speech and the protection of the fundamental right to equality) in a society that is polarized in terms of immigration attitudes. This is combined with the media’s interest in reporting anything that deviates from the ordinary—especially when it concerns politics (Askola, 2015). Moreover, the possibility of personalization and dramatization of the trial, the novelty of the proceedings, the involvement of political elites and the conflict between the various parties all contribute to the newsworthiness of the topic (Galtung & Ruge, 1965; Harcup & O’Neill, 2017).

But how do journalists report about prosecution trials? News coverage is almost never neutral, especially in a globalized public sphere that is “digitized, networked, relatively uncensorable and rapidly evolving” (McNair, 2017, p. 1328). Journalists tend to report issues using certain perspectives, focusing on particular aspects and characteristics, thereby (un)consciously or (un) willingly leaving out other views. This process is widely known as framing (de Vreese, 2005; Entman, 1993). If citizens rely on the frame package (Gamson & Modigliani, 1989) of hate speech prosecution that is presented to them via news
reports, the resulting media bias may affect their perception of and opinion about hate speech prosecution (Tversky & Kahneman, 1981).

**Framing hate speech prosecution.** Given the news media’s tendency to report political issues and events as if they were a “match”, by emphasizing the “battle” between the multiple actors involved (Aalberg, Strömbäck, & De Vreese, 2012; Dunaway & Lawrence, 2015), hate speech prosecution trials are likely to be subject to framing. For instance, news reports may focus on hate speech prosecution trials being an “attack” on free speech (Bleich, 2011a). Journalists may instead also focus on the intended outcome of prosecution trials: to protect minorities from discrimination and to disseminate a strong message about the limits of free speech. By communicating the extent to which certain ideas, actions or appearances conform to or violate social norms (Chong & Druckman, 2007; Gamson & Modigliani, 1989; Price & Tewksbury, 1997), journalists can set the tone of the public debate in the news media.

But how do these frame packages emerge? Chapter 2 aims to broaden our understanding of this frame building process, by studying both media input of involved actors as well as media output (news stories) over time, and thereby acknowledging the dynamic and reciprocal nature of frame building. The framing process involves more than just the frame setting phases, and the individual and societal level consequences that may result from framing (D’Angelo, 2002; de Vreese, 2002; Scheufele, 2000). Despite the wide scholarly attention dedicated to framing effects, studies that attempt to examine frame building remain limited. This particularly holds for events or issues that involve both political as well as non-political actors, since the available literature focuses mainly on frame building during electoral campaigns. Yet, it is because frame packages may have substantive effects on citizens’ opinions, attitudes, and behavior, that it is of vital importance to increase understanding of this very first step in the framing process.

**Building frames.** Frame building involves factors influencing the creation or change of frame packages (Scheufele, 1999). What determines which frame package journalists use? Frame packages are understood as the product of a variety of factors, ranging from journalists’ individual characteristics to societal factors (cf. “Hierarchy of influences” model; Shoemaker & Reese, 2013). These may be internal factors, influenced by journalists’ characteristics, norms and values or by organizational structures or ideologies. They may also be external factors: One of these external factors could be nonmedia actors involved in the court trial, such as the prosecuted politician. By emphasizing certain facets,
nonmedia actors—also referred to as frame sponsors—may attempt to direct citizens to their preferred aspects of the issue, and may therefore shape the frame package use of journalists (Hänggli, 2012). For instance, the politician may attempt to steer the focus toward the trial being “political” or “unfair” (Posner, 2005). By blaming the government, the legal system and the rule of law for the prosecution, the politician may try to weaken the position of the court—and to paint an unfavorable image of the legal system and democracy—a viewpoint that may be adopted by the general public. This is in line with more recent ideas coming from mediatization literature, suggesting that political actors are not forced to adapt to the media logic, but (selectively) choose to adapt their strategy to the media logic in a way that fits their political purposes (Landerer, 2013; Marcinkowski & Steiner, 2014; Van Aelst & Walgrave, 2017).

However, extant scholarship is inconclusive regarding the causal direction of the relationship between journalists and frame sponsors in frame building. While scholars agree that journalists and frame sponsors are involved in a “tango” (Gans, 1979, p. 116), literature is indecisive about who is leading the dance (Hänggli, 2012). One view is that frame sponsors take the lead, as they have the power to introduce frame packages to public discourse (Bennett, 1990; Gans, 1979; Hänggli & Kriesi, 2010; Lawrence, 2000; Wolfsfeld, 1997). Yet, others have emphasized that the influence of frame sponsors on journalists is more limited, as journalists increasingly take up a critical and assertive role (McNair, 2009; Strömbäck & Nord, 2006). This latter view suggests that journalists hold the key to framing.

Chapter 2 increases understanding of the dynamics between journalists and frame sponsors in frame building by investigating two hate speech prosecution trials in the Dutch context. The findings do not only fill a void in extant literature on frame building, but also have the potential to increase awareness among journalists about the extent to which they are involved in a reciprocal, potentially reinforcing relationship with (non) political and societal actors. Journalists in healthy, liberal democracies are supposed to offer citizens access to various sides of the issue (Benson, 2009; Entman, 1989). Allowing more room for the arguments of some frame sponsors at the expense of others risks that news coverage of important (political) issues will be biased. This may not only have implications for citizens’ perception of and support for hate speech prosecution, but could potentially have broader implications for citizens’ support for the democratic system. The potential effects of exposure to decisions about hate speech prosecution brings us to the second section of this dissertation.
Part 2: Effects of Hate Speech Prosecution on Democratic Support

The main intended outcome of hate speech prosecution is protecting the rights of (ethnic, racial and religious) minorities and immigrants. The reasoning behind prosecuting for hate speech is to signal to political actors seeking to violate this democratic principle that their acts are not to be tolerated in liberal democracies. This is especially important considering that politicians are viewed as having an exemplary role and their statements may have a substantial impact on public opinion. Moreover, prosecution could set or strengthen the (constitutional) boundaries of tolerance (Barkow & George, 2010): There is a strong anti-prejudice norm in Western democracies that affects citizens’ expression of prejudice and racism, which may subsequently influence political attitudes and behavior (Ivarsflaten, Blinder, & Ford, 2010). Prosecuting anti-immigration politicians for hate speech thus has an additional symbolic function by strengthening this norm.

Still, hate speech prosecution may also have unintended ramifications for society (Askola, 2015; Van Donselaar, 1995), which form the focus of Chapters 3 and 4. To date, only a handful of studies have closely examined the unintended ramifications of hate speech prosecution, such as increased popularity of the culpable politician/party. Several studies have demonstrated that legal actions can boost the popularity of the prosecuted politician and/or the political party (Askola, 2015; van Spanje & de Vreese, 2015; Vrielink, 2010), specifically among voters that are critical toward multiculturalism. One reason for increased electoral success is the heightened visibility of both the prosecuted politician and his/her affiliated party, as these trials are likely to be mediatized extensively (Jacobs & van Spanje, 2020). Moreover, the prosecution trial allows the politician to display him-/herself as the “martyr” of free speech, as the victim of a system in which the voice of “the people” is suppressed, which may create sympathy among voters (Askola, 2015; Barkow & George, 2010; Bleich, 2011a, 2011b; Jacobs & van Spanje, 2019). Hence, legal prosecution could grant politicians more power.

However, there may be other unintended consequences. The few empirical studies examining such unintended consequences are mostly invested with the ramifications of legal actions for electoral support for the prosecuted (politician’s) party (e.g., Capoccia, 2005; van Spanje & de Vreeese, 2015). This implies that the focus mainly remains on the effects for supporters of the prosecuted politician’s party, rather than being concerned with how broader
groups in society may be affected. What about the consequences of these trials for fundamental attitudes, such as democratic support?

**Less! Less! Less! Democratic support?** Since many citizens fiercely oppose hate speech prosecution (van Spanje & de Vreese, 2014), prosecution may have effects on broader groups in society. One consequence of these trials that is largely overlooked by previous research is the (unintended) effect of hate speech prosecution on citizens’ democratic support, which could be described as citizens’ support for the norms and procedures of the democratic regime in their country (Dalton, 2004).

Here, I draw on the rich body of literature about democratic support as my point of departure. According to Easton (1965, 1975), the independent nation-state should be understood as a political system. One major source of stress to a political system is the lack of citizen support. When authorities are perceived as unable or unwilling to meet citizens’ political demands, this sense of “output failure” may lower citizens’ support for the system. Since I focus on hate speech prosecution in liberal democratic settings, this dissertation uses the term “democratic support” instead of system support or political support.

**Consequences of changes in democratic support.** Democratic support is vital for the survival of democracies, as the democratic system at least partly derives its legitimacy from citizens’ endorsement of political decision-making processes (Dalton, 2004). Extant literature is inconclusive about the extent to which lower democratic support is directly harmful for society. The dominant view holds that low democratic support could have severe societal implications, such as political violence and protests, civil disobedience (e.g., lower willingness to pay taxes) and decreased political participation (e.g., Aberbach & Walker, 1970; Dalton, 2004; Easton, 1965; 1975). However, Norris (2011) demonstrates that lower democratic support does not necessarily present a threat to democracy. A drop in democratic support seems to increase citizen protests, and decrease political participation in more conventional ways (e.g., voting behavior and party membership; Hooghe & Marien, 2013; Norris, 2011). However, this may also pave the way for structural reforms.

Still, it seems reasonable to assume that when democratic support falls below a minimum, some citizens become less likely to accept the basic structures of a democracy and the authority of officeholders (Norris, 2011). Citizens become less likely to comply with the law and authorities, which may complicate authorities’ decision-making processes and the implementation of new...
policies. Moreover, anti-establishment parties—which most of these prosecuted politicians belong to—electorally benefit from citizens with lower levels of trust in and support for the democratic system (Bakker et al., 2020). This illustrates that changes in democratic support could have a substantial impact, in particular when citizens are repeatedly confronted with political actions and decisions that oppose their interests. As I will elaborate in the next paragraph, these effects are more likely to occur among some citizens than among others. Yet, since polarization regarding diversity, immigration and integration divides modern society (Berntzen, Bjånesøy, & Ivarsflaten, 2017; Heath & Richards, 2016), it is vital to investigate the consequences of hate speech prosecution on democratic support.

Hate speech prosecution trials involve a variety of decisions made by executors of the law—actors who are fundamentally part of the democratic system. This raises the question to what extent citizens’ responses to hate speech prosecution rely on whether they believe that the democratic system is acting according to their political “demands” (Easton, 1965, 1975; Norris, 2011). These responses arguably vary among citizens. Some citizens may believe that prosecution is necessary to protect the quality of democracy because, for instance, they believe that all citizens should be treated equally and are entitled to protection from hatred and prejudice (i.e., prioritizing non-discrimination). Other citizens may perceive prosecution as an attack on free speech (i.e., prioritizing free speech), or—if conviction requires the politician to give up his or her political rights—as a lost opportunity to vote for the candidate representing their political interests. Hate speech prosecution may thus be perceived as a “damage” to democracy by some citizens, while by others it may be seen as necessary to “defend” democracy, which may lead to varying levels of democratic support. In this dissertation, I aim to unravel the mechanisms that determine if and why citizens’ support for the democratic system changes following exposure to decisions about hate speech prosecution.

**Taking Easton’s conceptualization one step further.** One way in which Chapters 3 and 4 build on prior studies on the ramifications of hate speech prosecution for democratic support is by expanding the conceptualization of democratic support. Easton (1965, 1975) distinguishes two types of support: *specific* and *diffuse* support. The former refers to support for political authorities, relating to authorities’ decisions, policies, actions and expressions (Norris, 1999, 2011). Specific support can be affected by short-term contextual factors (e.g., governmental decisions or policy changes), and is prone to fluctuate over time. *Diffuse support*, on the other hand, is a sense of attachment or loyalty to the
system that is less closely tied to government performance or specific output.\textsuperscript{1} Diffuse support can fluctuate over time, but is generally more stable than specific support.

While citizens who perceive the democratic system as legitimate are more likely to have higher levels of trust in authorities, diffuse and specific support can vary independently from each other (Norris, 1999, 2011). For instance, it is possible that citizens lose trust in the abilities of authorities to govern the country following a politician’s prosecution for hate speech, while still supporting core democratic principles. However, scholars have previously argued that it is difficult to link the two concepts to actual measures. For this reason, Chapters 3 and 4 rely on a conceptualization of democratic support inspired by Norris’ renewed framework of political support (Norris, 1999, 2011). Instead of viewing support as a one- or two-dimensional concept, I conceptualize democratic support as a multidimensional phenomenon ranging from the most diffuse level of support for the nation to the most specific (concrete) level of support—trust in politicians. This allows for the notion that hate speech prosecution may have effects on some dimensions of democratic support, but not on others. For instance, prosecution may affect trust in politicians, without necessarily influencing one’s support for core democratic principles.

Advancing understanding of the unintended ramifications does not only have scientific merits, but also provides insights for authorities involved in the decision-making process concerning hate speech prosecution. While European law proscribes that a response is required following politicians disseminating hateful messages, this Introduction illustrated that the exact approach is subject to interpretation. Judges are required to make difficult decisions regarding the type of speech that is deemed acceptable or crosses boundaries into the unacceptable (Askola, 2015; Evans, 2012). Moreover, while the judiciary branch is in charge of decisions regarding trial proceedings and outcomes, often governing parties and/or parliamentary representatives initiate the trial (Casal Bétoa & Bourne, 2017). All of this is not to say that decisions to (not) prosecute a politician should be conditional on the extent to which hate speech prosecution increases or decreases citizens’ democratic support. Yet, given that either way governments decide, they are compromising a fundamental principle of their way of governing, it is relevant to assess the unintended ramifications of hate

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\textsuperscript{1} Other authors have written about the “incumbent vs. system influence” distinction as a conceptualization of political support (Almond & Verba, 1963), where incumbent influence can be equated with specific support while system influence is similar to diffuse support.
speech prosecution. Focusing exclusively on the intended ramifications of hate speech prosecution may result in a biased view of how hate speech prosecution impacts society—especially if broader groups of citizens may be impacted by these decisions, rather than supporters of the prosecuted politician’s party alone.

**Context of Dissertation**

Chapters 2, 3 and 4 are all (partly) situated in the Dutch context (see Table 1.1). Article 1 of the Dutch constitution ensures equal treatment of everyone, prohibiting discrimination. Apart from parliamentary immunity whilst speaking in the Dutch House of Representatives, politicians are not granted other advantages than citizens when it concerns hate speech. Hate speech prosecution of politicians is possible under Dutch law and various politicians have been brought to court for spreading hateful messages in the past. The Netherlands therefore presents a favorable opportunity for studying hate speech prosecution of anti-immigration politicians. There are two Dutch political parties that mobilize on issues that are typically owned by anti-immigration parties and have been able to win seats in legislative bodies: the Freedom Party (PVV, led by Geert Wilders) and the Forum for Democracy (FvD, led by Thierry Baudet). Wilders has been prosecuted for hate speech twice (2010–2011 and 2014–2020). His prosecution trials therefore present a unique opportunity to study the media debate on hate speech prosecution (Chapter 2). None of the members of the FvD have been prosecuted for hate speech. For the stimulus material used in Chapters 3 and 4, I therefore opted to use the FvD since citizens’ responses to hate speech prosecution are not influenced by any previous prosecution trials that the party may have been involved in.

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<th>Table 1.1</th>
<th>Overview data, country and period per chapter</th>
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<tr>
<td>Chapter</td>
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<td>2</td>
<td>Manual content analysis of media input (N = 220) and media output (N = 691)</td>
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<td>3</td>
<td>Web experiment (N = 304)</td>
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<tr>
<td>4</td>
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Chapter 4 is situated in both the Dutch and the US context. While both the Netherlands and the US are liberal democracies, the US does not have a history of hate speech prosecution of politicians. Even though free speech can be restricted based on various grounds, it is deeply embedded in American jurisprudence (O’Brien, 2010). Moreover, as a consequence of the de facto two-party system, partisanship in the US is considerably stronger than in the Netherlands (Reiljan, 2019). This presents the opportunity to test effects of hate speech prosecution in two countries that vary in factors that are anticipated to matter for the relationship between hate speech prosecution and democratic support.

The Dutch media landscape—under scrutiny in Chapter 2—is known to vary widely in quality and popular news outlets. The Netherlands is characterized by intense professionalization of the journalistic profession, moderate levels of political parallelism, and rather low levels of press subsidies, ownership regulation and inclusiveness of the press market (Brüggemann, Engesser, Büchel, Humprecht, & Castro, 2014). For this reason, the findings discussed in Chapter 2 predominantly resemble contexts similar to the Dutch media landscape (e.g., Belgium). The dynamics of frame building may slightly differ in countries with other types of media systems, such as when political parallelism is stronger (e.g., in Southern European countries). Yet, as the findings will demonstrate, the dynamics may only be stronger in these countries. Moreover, the mechanisms of frame building highlighted in Chapter 2—regarding reciprocity between journalists and frame sponsors, and the power of certain frame sponsors over others—arguably apply to other political issues and contexts outside hate speech prosecution.

Data and Methods

In three empirical chapters, I study the public debate on hate speech prosecution in the news media (Chapter 2) and the (unintended) ramifications of exposure to decisions about hate speech prosecution on democratic support (Chapters 3 and 4). This dissertation uses a combination of experimental and non-experimental methods to answer the research questions. I combine a manual content analysis with time-series analysis to study frame building of hate speech prosecution and (comparative) experiments to study the effects of hate speech prosecution on democratic support. In the following paragraphs, I will briefly summarize the data and methods per chapter.
In Chapter 2, I study to what extent journalists and nonmedia actors are engaged in a reciprocal, dynamic relationship in frame building, and which actors are most successful in getting their preferred frame package across. Studying the interaction between frame sponsors and journalists in frame building requires substantial reduction of complexity. It is therefore necessary to study an event with a clear starting point and a defined set of frame sponsors. I examine both court trials against Geert Wilders, leader of the Freedom Party (PVV), for hate speech in the Netherlands (2009–2020). I conduct a manual content analysis of online media input, such as statements, social media posts, and press releases (\(N = 220\)) of relevant frame sponsors (the prosecuted politician, victims and Public Prosecutor) as well as news stories about the court trials (\(N = 691\)). Because I expect interactions between frame sponsors and journalists occurring on a daily basis, data are aggregated on the daily level. The dataset for Trial 1 covers January 2009 to June 2011. The dataset for Trial 2 covers December 2014 to May 2018. Using time-series analysis, I test to what extent high authority and having a strong stake in an issue are important predictors of frame coverage, and whether a bidirectional relationship between frame sponsors and journalists can be discerned in frame building.

The second section of this dissertation shifts the focus to the (unintended) consequences of legal action against political actors. Chapter 3 examines the effects of exposure to the decision of (not) prosecuting an anti-immigration politician for hate speech on citizens’ democratic support, using a full experimental design. In this way, confounding influences (e.g., news attention for the trial) can be held constant, which allows to substantiate claims about causal relationships. Using a web experiment in which 304 participants are exposed to a manipulated television news story about the decision to (not) prosecute an anti-immigration politician for hate speech, I test these potential effects in the Dutch context. Instead of assuming a uniform effect of hate speech prosecution on democratic support, I test the extent to which this relationship is moderated by two factors: agreement with the political idea spread by the prosecuted politician and identification with the prosecuted politician’s party. Rather than using a one- or two-dimensional framework of democratic support, I operationalize democratic support using four dimensions, ranging from more “diffuse” (abstract) forms of democratic support to “specific” (concrete) forms. This allows for the notion that hate speech prosecution may have effects on some dimensions of democratic support, but not on others.
In Chapter 4, I aim to further disentangle the role of hate speech prosecution as a factor eroding democratic support. Chapter 3, and previous research on the effects of hate speech prosecution on democratic support, is limited to the Dutch context, which is characterized by a strong focus on political ideas, while partisan identity is less strong, and more flexible. Moreover, prior research did not test the moderating effects of free speech attitudes, which could be of vital importance in understanding the relationship between hate speech prosecution and democratic support. To fill these gaps in the literature, I test these effects in a pre-registered, comparative experimental design in the Netherlands and the United States. In total, 468 Dutch participants and 456 American participants are exposed to a manipulated news article about the decision to (not) prosecute a Dutch/American anti-immigration politician for hate speech. By providing causal evidence from a comparative design, this study addresses the question if the effect of hate speech prosecution on democratic support is stable across contexts, or if contextual differences can be discerned.

In sum, the main contributions of this dissertation lie in offering insights into how journalists and frame sponsors shape the media debate on hate speech prosecution, and the consequences hate speech prosecution has for democratic support. This is vital considering the polarized opinion climate in which legal actions against political actors are situated, and the probability that more court cases will follow in a time when the limits of free speech are heavily debated.