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FREEDOM OF SPEECH AND HATE SPEECH – LAW AND ATTITUDES OF POLES. AN EMPIRICAL STUDY

Abstract

Objective: reconstruction of attitudes of Poles towards selected restrictions on freedom of speech and also towards hate speech in Polish law (selected issues).

Methods: the approach to data collection included a computer-assisted telephone survey on a sample of N=1,000 adult Poles (18+) and an analysis using descriptive statistics and selected inductive statistics techniques (covariance measures and cluster analysis).

Results: an analysis of the aggregate and sub-dimensions of Poles' attitudes toward selected limits of freedom of speech in the Polish legal system and Poles' experiences of actions considered violations of freedom of speech was conducted. Groups with different attitudes toward these phenomena and, as a result, different susceptibility to political messages of attempts to limit freedom of speech were identified.

Conclusions: Poles value freedom of speech, although – in a sense – they want to limit it; They recognise that it is essential for democracy, but at the same time they do not believe that they can use it properly and, above all, effectively. We observe the paradox of support for freedom of speech or, in another convention, symptoms of ‘flight from freedom’.

KEYWORDS

freedom of speech, hate speech, social attitudes, attitudes towards the law, telephone surveys, cluster analysis

SŁOWA KLUCZOWE

wolność słowa, mowa nienawiści, postawy społeczne, postawy wobec prawa, ankiety telefoniczne, analiza skupień

1. INTRODUCTION

In this article, we have analyzed the attitudes of Poles towards the limits of freedom of speech in the Polish legal system and the experiences of Poles regarding actions considered to be violations of freedom of speech, i.e. hate speech.¹ The following aspects were considered: attitudes towards freedom of speech as one of the fundamental values of democratic political systems, opinion towards the law restricting freedom of speech in Poland – i.e. penalization or depenalization of selected categories of the so-called hate crimes. The differentiation of Polish society in terms of the three above-mentioned areas was also examined, and as a result, the segmentation (cluster analysis) of Poles was created.

Freedom of speech is a widely recognized standard of civilization. The importance of freedom of speech was already recognized by Aristotle. Man, according to Aristotle, becomes a *zoon politikon* (political animal) only because he is a *zoon legon echon*, which means ‘life capable of speech’. Speech is used not only to communicate but also to preserve humanity and, above all, to create political

¹ The term used is of a practical nature for the authors, and we wish to avoid a debate over the understanding of the term by taking it as Council of Europe (see: <https://www.coe.int/en/web/freedom-expression/hate-speech>, accessed April 2023) and understanding it as mocking, humiliating or vilifying based on membership in a particular group, such as race, nationality, language, color, religion, gender, age, sexual orientation or other characteristics.

communities.² Aristotle was echoed by other ancient thinkers, including Polybius and Tukidides, pointing to freedom of expression as a *conditio sine qua non* of democracy.³

The content and scope of freedom of speech are defined very broadly today. This concept includes the freedom to seek information, obtain it, and disseminate it. It also includes the freedom to choose the form of expression: oral, written, printed, in the form of a work of art, or gestures.⁴ Often freedom of expression is considered a value in itself.⁵ Freedom of speech performs several important functions in a democracy: it makes it possible to arrive at mutually acceptable solutions through debate, supports the operation of other democratic principles, enables citizens to exercise control over government, integrates citizens, and is a tool for political socialization. Numerous contemporary scholars of democracy consider freedom of speech as an overriding value.⁶ Thomas Jefferson spoke boldly and unequivocally on freedom of speech, recognizing that public opinion with freedom of speech guards social order better than any laws.⁷

However, in modern democracies, freedom of expression is not used to the maximum extent as various restrictions are imposed on it, namely, limitation clauses in international, European, and national law.⁸ They determine where and to what extent interference by the public authority in the free circulation of ideas and information is permitted. The mildest restriction was imposed on freedom of speech by John S. Mill, according to whom the impassable limit is the proper form of speech – without the use of insults and insinuations. Restrictions on freedom of expression overlay the Universal Declaration of Human and Civil Rights. Article 29 stipulates that in the exercise of his rights and freedoms, every person shall be subject only to such limitations as are established by law solely to ensure proper recognition and respect for the rights and freedoms of others. Specific regulations in this regard are introduced by individual states, implementing restrictions on respect for the rights and reputation of people, protection of state security, protection of public order, protection of health, and

² Arystoteles, *Polityka*, (in:) *Dzieła wszystkie*, v. I, A. Paciorek, L. Regner, P. Siwek (trans.), Wydawnictwo Naukowe PWN, Warsaw 2003, p. 5.

³ Polibiusz, *Dzieje*, Zakład Narodowy im. Ossolińskich, Wrocław 2005, p. 90; Tukidydes, *Wojna peloponeska*, trans. K. Komaniecki, Wydawnictwo "Czytelnik", Warsaw 1988, p. 107.

⁴ A. Łopatka, *Prawo do swobodnego wyrażania opinii*, Wydawnictwo "Scholar", Warsaw 1993, pp. 8–9.

⁵ *Ibidem*, p. 8.

⁶ S.C. Brubaker, *Freedom of speech*, (in:) *The Encyclopedia of Democracy*, t. II, S.M. Lipset (ed.), Routledge, London 1995, p. 504.

⁷ T. Jefferson, *List do pułkownika Edwarda Carringtona*, (in:) *Wizje Stanów Zjednoczonych w pismach Ojców Założycieli*, Wiktor Osiatyński (ed.), Państwowy Instytut Wydawniczy, Warsaw 1977, p. 243.

⁸ D.A. Downs, S. Nelson, *Censorship*, (in:) *The Encyclopedia of Democracy*, v. I, S.M. Lipset (ed.), Routledge, London 1995, pp. 188–191.

public morals.⁹ Academic discourse, over the necessary restrictions on freedom of speech (usually in the context of the concept of hate speech), has been of increasing interest to researchers since 2014 especially representatives of law and sociology.¹⁰

This article addresses one of the many restrictions on freedom of speech: speech that spreads, promotes, or justifies racial hatred, xenophobia, anti-Semitism, and other speech based on intolerance.¹¹

It is common in the opinion of researchers to point out that hate speech destroys democratic discourse by blocking public debate, leads to negative stereotyping of social groups, introduces an atmosphere of intimidation, and induces tensions between social groups, in effect threatening peaceful coexistence and ultimately leading to hate incidents and hate crimes. In addition, on an individual level, hate speech leads to victimization, affects the lives and health of victims, and threatens individual rights, particularly human dignity and equal rights.¹²

On the other hand, however, it is dangerous to believe in the rationality and infallibility of democracy in the context of restricting freedom of speech. Democracy itself is imperfect, and it is freedom of speech and free criticism that help prevent its drift toward authoritarianism. Regulation of freedom of expression can lead to overextension of power, clientelism, increasing distance between citizens and government, and that, in turn, can result in high fiscal costs and bureaucracy.

The motivation for writing this text came from the following observation. At the level of general and abstract elocutionary acts, the level of support for freedom of speech is high in societies, while when it comes to situations of evaluating concrete values, support for freedom of speech decreases dramatically. This state of facts can be used to restrict freedom of speech by decision-makers and can lead to a significant recession of this value. In doing so, researchers note the diverse socio-demographic backgrounds (gender, age, education placement of the

⁹ A. Łopatka, *op. cit.*, pp. 52–60; C.R. Sunstein, *Sprzeciw w życiu społeczeństw*, Wydawnictwo Sejmowe, Warsaw 2006, p. 117.

¹⁰ The study of the literature on the subject can be found (in:) M. Antonia Paz, J. Montero-Díaz, A. Moreno-Delgado, *Hate Speech: A Systematized Review*, 2020, 10(4), <https://doi.org/10.1177/2158244020973022>.

¹¹ T. Bojanowski, *Wybrane prawnokarne aspekty mowy nienawiści w kontekście standardów ochrony wolności słowa*, "Prawo w Działaniu", 2021, 47, pp. 168–186.

¹² J. Bayer, P. Bárd, *Hate speech and hate crime in the EU and the evaluation of online content regulation approaches*, European Parliament's Committee on Civil Liberties, Justice and Home Affairs, European Union 2020.

left-right political spectrum, and others).¹³ These features are variously linked to support for or denial of restrictions on freedom of expression.

In light of the above assumptions and facts, the research problem was defined by posing the following research questions:

- What are the predictors of differences in attitudes towards freedom of speech and its violations: sociographic, psychographic, or behavioral characteristics?
- What are the views and opinions of Poles on the criminalization of hate speech in general and concerning individual minorities potentially experiencing this phenomenon in Poland?

2. METHODS

The research questions were answered during a quantitative empirical study conducted by the Association of Political Science Graduates affiliated with the Faculty of Political Science and International Studies at the University of Warsaw. The research was financed by the Justice Fund administered by the Minister of Justice. The measurement entitled *From hate speech to hate crime. Attitudes of Poles towards crossing the borders of freedom of speech* was conducted in April 2022 using the computer-assisted telephone interview method on a representative (gender, age, size of the place of residence, and education) sample of N=1000 adult (18+) Poles. The measurement, fulfilling the requirements of the so-called statistical representativeness, can be generalized from the sample to the population of adult Poles. The maximum standard error of the estimation was $\pm 3.1\%$. The measurement was carried out using the Computer Assisted Telephone Interviews (CATI) technique. This technique has been considered better than classic standardized face-to-face interviews (Paper and Pencil Interviews, PAPI) and online surveys (Computer Assisted Web Interviews, CAWI). In relation to the above-mentioned techniques, CATI has numerous methodological, psychological, interactional, organizational and technical advantages which made it a useful tool for this project. As regards the methodology, it involves a higher accessibility of respondents and a higher availability of the sampling frame (as compared to other methods) corresponding to the general population. In terms of the psychological and interactional aspects, the comfort of interaction between the interviewer and the respondent is significantly greater. Communication over the phone distinctly increases the sense of anonymity for the respondent, which translates into the

¹³ Justitia, *Who Cares about Free Speech?: Findings from a Global Survey of Support for Free Speech*, https://futurefreespeech.com/wp-content/uploads/2021/06/Report_Who-cares-about-free-speech_21052021.pdf, (accessed April 2023).

respondent's feeling more at ease about expressing their views on difficult or sensitive issues. In terms of the technical and organizational aspects, an important feature of telephone interviews is the high level of control over the research process. This concerns both the human factor (interviewers and respondents), as well as the collected data. Also, the use of computer programs and telephone contact significantly decreases the financial and organizational costs necessary to carry out the research. As a result, we achieve a higher response rate as compared to other research methods, higher quality of data that are precise and accurate, and a low level of errors, as well as reliability and accuracy.

A *sine qua non* condition of generalization of the results from the sample to the studied population is sampling (i.e. simple random sampling) according to the standards and the sufficient size of the sample. Sampling will be made with the use of the method ensuring the randomness of sampling, developed as part of the US state methodology of quantitative research (and widely adopted in research practice). The procedure was developed by Warren Mitofsky and Joseph Waksberg. It is referred to in research practice as Random Digit Dialling (RDD),¹⁴ and among researchers using computer-assisted telephone interviews, it is considered an optimal and classic method.¹⁵

This sampling method has been updated several times in research practice.¹⁶ The impact of the dynamic development of mobile telephony on sampling practice and standards was also taken into account early on. Rules for the selection of the so-called combined samples were created, i.e. taking into account the overlapping sampling frames of respondents with landline telephones and those with mobile telephones.¹⁷

The scope of the research procedure carried out included the assessment of attitudes toward the law. Legal regulations, if not in line with the moral values accepted in the society, are difficult to enforce, meet with social resistance, and lead to disturbances in the social order, especially between the rulers and

¹⁴ J. Waksberg, *Sampling Methods for Random Digit Dialling*, "Journal of the American Statistical Association", 1973, Vol. 73, pp. 40–46.

¹⁵ R.F. Potthoff, *Some generalisation of the Mitofsky-Waksberg technique for Random Digit Dialling*, "Journal of the American Statistical Association", 1982, Vol. 82, pp. 409–418.

¹⁶ C. Tucker, R. Casady, J. Lepkowski, *Sample Allocation For Stratified Telephone Sample Designs*, Proceedings of the Survey Research Methods Sections, American Statistical Association, Alexandria 1992, pp. 566–571.

¹⁷ J.M. Brick, P.D. Brick, S. Dipko, S. Presser, C. Tucker, Y. Yuan, *Cell phone survey feasibility in the U.S.: Sampling and calling cell numbers versus landline numbers*, "Public Opinion Quarterly", 2007, 71, pp. 23–39; J.M. Brick, S. Dipko, S. Presser, C. Tucker, Y. Yuan, *Nonresponse bias in a dual frame sample of cell and landline numbers*, "Public Opinion Quarterly", 2006, 70, pp. 780–793; C. Kennedy, *Evaluating the effects of screening for telephone service in dual frame RDD surveys*, "Public Opinion Quarterly", 2007, 71, pp. 750–771; S. Keeter, M. Dimock, C. Kennedy, J. Best, J. Horrigan, *Costs and benefits of full dual frame telephone survey designs*, Paper presented at the 63rd Annual Conference of the American Association for Public Opinion Research, New Orleans, 2008.

the ruled. Additionally, the law most often results from moral constructs, the opposite relationship is also noted, although less often.¹⁸ Analytical techniques including univariate and multivariate marginal tables, measures of dispersion, and selected inductive statistics measuring co-variance were used to investigate this phenomenon. In the main part of the analytical procedure, it was checked what types of attitudes towards freedom of speech can be distinguished in Polish society. For this purpose, segmentation was made in order to discover the smaller structures of Polish society in terms of attitudes.

The premise for the use of this statistical method is the necessity to reduce data resulting from the multidimensional nature of the phenomenon. The method was invented in anthropology by Harold E. Driver and Alfred L. Kroeber in 1932,¹⁹ although the need for such a data mining technique was previously expressed by a Polish scientist, a supporter of statistical studies in anthropology, Jan Czekanowski.²⁰ It was popularized in science by Raymond B. Cattell who used it for the classification of personality traits.²¹ The career of this method began in the 1960s and 1970s.²² It has stimulated worldwide research into clustering methods and has initiated numerous publications on the subject; it is widely used in various scientific disciplines.²³ Specifically, the Two-Step Cluster analysis has been used. This particular analytical technique has particularly useful features: the ability to construct a model using both interval and nominal variables, and the ability to perform the analysis of databases with large numbers of units of analysis. The input data finally selected for the segmentation performed was the following set of nine variables measured at the rank level. They are presented in Table 1. The statistical procedure carried out made it possible to separate groups that differed statistically in a significant way from each other in their attitudes toward the phenomenon of hate speech and to characterize these groups socio-demographically and psycho-graphically.

¹⁸ S. Mika, *Psychologia społeczna*, Warsaw: Państwowe Wydawnictwo Naukowe, 1981.

¹⁹ H. E. Driver and A. L. Kroeber, *Quantitative expression of cultural relationships*, University of California Publications in American Archaeology, 1932, Vol. 31, pp. 211–256.

²⁰ J. Czekanowski, *Objektiv kriterien in der ethnologie*, “Korrespondenzblatt der Deutschen Gesellschaft für Anthropologie, Ethnologie, und Urgeschichte”, 1911, Vol. 47, pp. 1–5.

²¹ R. B. Cattell, *The description of personality: Basic traits resolved into clusters*, “Journal of Abnormal and Social Psychology”, 1943, Vol. 38, pp. 476–506, doi:10.1037/h0054116.

²² R. R. Sokal, P. H. Sneath, *Principles of numerical taxonomy*. San Francisco-London: Freeman 1963.

²³ R. K. Blashfield, *The Growth Of Cluster Analysis: Tryon, Ward, And Johnson*, “Multivariate Behavioral Research”, 1980, Vol.15, No. 4, pp. 439–458.

Table No. 1. Components of cluster analysis with the range of the variable.

Variable label	Scope of the variable
Aspect No. 1. General attitudes of Poles toward freedom of expression	
1. Everyone should have the right to express their views, no matter how unpopular or controversial they might be.	1) I strongly disagree. 2) I rather disagree. 3) I rather agree. 4) I strongly agree.
2. Poles are incapable of using free speech.	5) I don't know, difficult to say (not read out to respondent). 6) Refused to answer (not read out to the respondent).
3. Permission to publicly offend others leads to violence against the offended groups.	
Aspect No. 2. Attitudes toward the criminalization of particular manifestations of hate speech	
In your opinion, should insulting members of groups distinguished by the following characteristics be punished more, less, or as it is punished in Polish law:	
4. Race, ethnicity, nationality	
5. Gender (women, men)	1) Definitely more punished. 2) A little more punished. 3) The penalty should remain the same. 4) Slightly less punished. 5) Definitely less punished.
6. Psychosexual orientation (e.g., homosexuality)	6) Should not be considered a crime. 7) Don't know difficult to say (not read out to respondent). 8) Refused to answer (not read out to the respondent).
7. Gender identity (transsexualism or transgender)	
8. Religion followed	
9. Political worldview	

Source: Own study.

3. RESULTS

This section presents the results of analysis from a survey of Poles on attitudes toward freedom of speech and hate speech. First, respondents were asked to choose between two competing values. They were asked which was more important: freedom of expression or taking care not to offend others. Responses in favor of freedom of expression were given by nearly a third of respondents (29.3%). 15.4% of respondents were not so determined (answers “rather freedom to express

one's opinion"). Nearly half of Poles wanted to balance the freedom to express one's opinion and the feelings of others (43.3%), claiming that these elements were of equal value. Those in favor of considering the feelings of others more important than freedom of speech constituted one in ten respondents (10.4%).

3.1. GENERAL ATTITUDES OF POLES TOWARD THE FREEDOM OF EXPRESSION

Within this aspect, the following three questions were asked. Firstly, came the question about the ability to express one's views regardless of unpopularity or controversiality. Secondly, there was the question on how the respondents assess the competence of Polish society in exercising freedom of speech compared to other societies. Thirdly, the researchers were interested in determining the extent to which the respondents agree with the statement that public offense leads to violence against other groups. The results of the measurement are shown in Table 2.

Table No. 2. General attitudes of Poles toward the freedom of expression

No.	Particular components of the overall attitude	Values in percentage				Measures of central tendency and dispersion
		Strongly disagree	Rather disagree	Rather agree	Strongly agree	
1	Everyone should have the right to express their views, no matter how unpopular or controversial they might be.	4.7	10.5	41.3	43.6	$\bar{X} = 3.24$ SD = 0.82
2	Poles are incapable of using free speech.	12.9	30.7	34.6	21.8	$\bar{X} = 2.65$ SD = 0.96
3	Permission to publicly offend others leads to violence against the offended groups.	5.6	6.1	25.0	63.4	$\bar{X} = 3.46$ SD = 0.84

Source: Own study.

Poles very strongly support the general idea of freedom of speech. Expressing even controversial and unpopular views is considered a right of every person by more than four in five Poles (84.9% of "strongly agree" and "rather agree" responses). Restrictions would be "rather" accepted by one in ten respondents, and "strongly" accepted by only one in twenty. The variation in responses is small, but the public's views are consistent in this regard. On the other hand, however, more than half of Poles (56.4%) express an opinion about the inability of Polish society to properly apply freedom of speech; we consider ourselves an immature

society in this regard. Attitudes of Poles do not differ here for socio-demographic or psycho-graphic reasons. However, Poles reach the highest agreement (88.4%) when stating that abuse of freedom of speech by publicly insulting opponents leads to violence against the offended groups; Poles are convinced that the abuse of freedom of speech in this regard fosters radicalization. Representatives of the older generation ($\rho=0.11$; $p\leq 0.01$) and women ($\rho=-0.1$; $p\leq 0.01$) are slightly more stringent on this statement.

3.2. POLES' ATTITUDES TOWARD THE CRIMINALIZATION OF PARTICULAR MANIFESTATIONS OF HATE SPEECH

This section focused on Poles' attitudes toward partial aspects of the Polish legal system. Specifically, attitudes toward the criminalization of insulting social groups on the basis of their membership were studied. The subject of interest were groups distinguished by: race, ethnicity, nationality, gender, psychosexual orientation, gender identity, religion, and political worldview. The results are presented in Table No. 3.

Table No. 3. Poles' attitudes toward the criminalization of particular manifestations of hate speech

No.	Particular manifestation of hate speech due to...	Values in percentage							Measures of central tendency and dispersion
		Definitely more punished	A little more punished	The penalty should remain the same	Slightly less punished	Definitely less punished	Should not be considered a crime	DK/Refusal	
1	...race, ethnicity, nationality	39.4	21.8	24.8	0.9	1.1	4.4	7.7	$\bar{X} = 2.47$ SD = 1,81
2	... gender	34.3	20.0	29,4	1.3	0.7	6.0	8.2	$\bar{X} = 2.66$ SD = 1.85
3	...psychosexual orientation	34.6	19.6	25.3	1.8	1.4	7.3	9.9	$\bar{X} = 2.79$ SD = 2.00
4	...gender identity	33.9	17.4	27.4	1.3	1.9	8.2	9.8	$\bar{X} = 2.85$ SD = 2.01

5	...religion followed	33.1	15.4	28.8	1.7	2.4	10.7	8.1	$\bar{X} = 2.90$ SD = 1.98
6	... political worldview	23.1	13.7	31.0	3.7	2.4	17.3	8.7	$\bar{X} = 3.36$ SD = 2.03

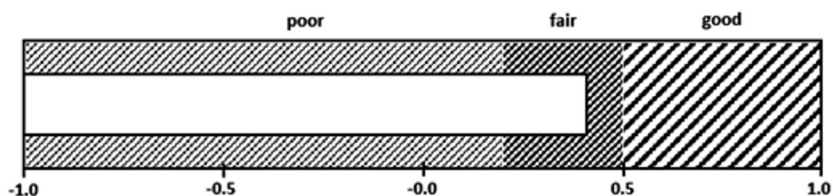
Source: Own study.

More than half of Poles express the belief that penalties for hate speech against groups distinguished on the basis of race, ethnicity, nationality, psychosexual orientation or gender should be tightened. Nearly half of Poles believe that penalties should also be tightened for hate speech relating to religion.

Hate speech used against people with different worldviews and political stances is significantly different from the aforementioned categories of hate speech. Proponents of decriminalization alone account for only a third of those surveyed, while one in five Poles believes that this type of hate speech should not be criminalized. In turn, one in ten Poles believes that hate speech motivated by differences of a religious nature should also not be considered a criminal act. It is also worth mentioning that the diversity of the surveyed groups, measured by standard deviation, shows that Poles differ most significantly with regard to attitudes toward criminalizing hate speech against people representing different political worldviews and genders.

3.3. ATTITUDES TOWARD FREEDOM OF SPEECH AND HATE SPEECH IN POLISH SOCIETY – CLUSTER ANALYSIS

The segmentation carried out using the cluster analysis method led to the identification of five types of attitudes towards freedom of speech and hate speech in Polish society. The statistical-mathematical algorithm used is mechanical in nature, dividing the subjects in the set according to the similar-different criterion. The task of the researcher is to interpret the obtained segmentation, that is, to explore the obtained division and analyze the characteristics of each group. The obtained segmentation results turned out to be statistically satisfactory (the so-called Silhouette coefficient). This coefficient indicates whether the adopted segmentation was carried out in such a way that within the separated groups the observations are dense, while between them, the observations are separated. The coefficient takes values ranging from -1 (very poor model) to 1 (excellent model). Figure 1 graphically shows the fit of the model, the result obtained should be considered at least satisfactory.

Figure No. 1. Silhouette measure of consistency and separability

The most significant act of creative nature in the course of segmentation is to give apt names to each of the identified segments referring to the most important characteristics of the identified group.

Table No. 4. Segmentation of Poles according to attitudes towards general and specific issues of freedom of speech and hate speech.

Segment/cluster	Values	
	N	%
Group 1. Supporters of the status quo	233	25.9
Group 2. Supporters of moderate penalization	167	18.6
Group 3. Advocates of lower levels of punishment or depenalization	115	12.8
Group 4. Supporters of extreme penalization	291	32.4
Group 5. Undecided	92	10.2

Source: Own study.

The largest of the groups is Group 4, that is supporters of extreme penalization. This is as many as one-third of the surveyed participants. The second most numerous is Group 1, i.e. supporters of the *status quo* – they include every fourth respondent.

Group 1. Supporters of the *status quo*. In this group, more often than in other groups, an opinion is expressed that publicly insulting others does not lead to violence against the offended groups and that Poles can use the freedom of speech. The most characteristic feature in this group is the uniform attitudes of eight and sometimes even nine out of ten respondents relating to the indication that hate speech against the groups mentioned in the survey should be penalized neither more nor less. This group accepts the current state of the law. The first group consists mainly of middle-aged men, residents of cities with more than 100,000 inhabitants, with a slight overrepresentation of residents of Silesia and Mazovia voivodships, generally unmarried. They are mainly Law and Justice voters.

Group 2. Supporters of moderate penalization. People in this group believe that hate speech behavior should be penalized a little more strongly than it is now. Between about half and three-quarters of the respondents believe that current Polish law should be revised and pass more restrictive sentences. This group includes the highest percentage of people who believe that other people's feelings are more important than the freedom of expression, and they are somewhat more likely to deny Poles the right to express unpopular or controversial views. This group consists primarily of young women, highly educated, with leftist views and relatively the highest earnings of any other group.

Group 3. Advocates of lower penalties or depenalization. A significant percentage of people in this group from one-quarter to two-thirds believe that hate speech against convicted categories of people should not be considered a crime and therefore penalized. To the greatest extent, this applies to political worldview and also religion, and to the least extent, to the race of an ethnic group and nationality. This group includes the fewest people who doubt the ability of Poles to properly use freedom of speech, and the largest number of doubters about the fact that insulting others leads to violence. Representatives of this group are mainly seniors over 55 with right-wing views, believers and practitioners, with relatively low incomes, but not the lowest of all groups.

Group 4. Supporters of extreme penalization. In this group, eight or even nine out of 10 included in it believe that behavior against all groups surveyed should be criminalized far more severely. Here, too, more than 90% of the respondents believe that hate speech leads in a straight line to violence. In this group, we find a significant overrepresentation of middle-aged, highly educated, left-wing oriented, non-believing women, generally voters of the Civic Platform. These persons are most often married. They are also characterized by a high fear of crime.

Group 5. Undecided. Approximately or more than half of the people in this group do not have a definite view on whether the aspects of hate speech studied should be criminalized more, less, or to the same extent as before. This is a relatively lowest-income group, generally representing right-wing views, mainly rural residents. There is a noticeable overrepresentation of men and women over 55 years old.

Detailed characteristics are summarized in Table No. 5.

Table No. 5. Sociodemographic and psychographic features of groups distinguished on the basis of freedom of speech/hate speech attitudes.

Group 1. Status quo supporters	Group 2. Supporters of moderate penalization	Group 3. Advocates of lower levels of punishment or depenalization	Group 4. Supporters of extreme penalization	Group 5. Undecided
Mostly men (69%)	Number of women above mean (60%)		Women significantly overrepresented (66%)	Mostly men (60%)
Youngest people 18-34 underrepresented (15,7%), slightly overrepresented middle-aged people (39%)	Number of young people (18-34) significantly above the mean (38%)	Older people 55+ overrepresented (52%)	Slightly overrepresented middle-aged people (36%)	Older people 55+ overrepresented (52%)
Mostly 100k+ cities residents (43%)	-	-	-	Mostly countryside residents (43%)
Slight overrepresentation of residents of Silesia and Mazovia voivodships	Slight overrepresentation of residents of Silesia, Mazovia, Lesser Poland voivodships	Slight overrepresentation of residents of Silesia voivodship	Slight overrepresentation of residents of Greater Poland voivodship	Slight overrepresentation of residents of Lublin and Podkarpackie voivodships
-	Overrepresentation of people with higher education	-	Overrepresentation of people with higher education	-
-	Overrepresentation of people with leftist views	Overrepresentation of people with rightist views	Overrepresentation of people with leftist views	Overrepresentation of people with rightist views
-	-	Highest percentage of believers and practitioners at the same time (57%)	Slight overrepresentation of non-believers	-
Slight overrepresentation of voters of Law and Justice	-	-	Overrepresentation of voters of Civic Platform	-
Overrepresentation of unmarried people	-	-	Overrepresentation of married people	Overrepresentation of married people
Average net income per family member per month: 3044 PLN	Average net income per family member per month: 4260 PLN	Average net income per family member per month: 2816 PLN	Average net income per family member per month: 3335 PLN	Average net income per family member per month: 2570 PLN
Lowest perception of fear of crime	-	-	Highest perception of fear of crime	-

Source: Own study.

3. DISCUSSION AND CONCLUSION

The paradox of support for the freedom of speech formulated in the introduction to this text as occurring especially in the countries of the Euro-Atlantic area has also been partially confirmed in Poland. On a general level, freedom of speech is supported, declaratively considered a superior value that is immanent to democracy. On the one hand, Poles support the right to free speech no matter how unpopular or controversial it might be (85%), while, on the other hand, they express strong fears of abuse of freedom of speech and very strong tendencies to criminalize particular manifestations of elocutionary acts directed against various social groups and minorities. More than half of Poles (51%) would like to see stricter laws regarding the criminalization of speech directed against social groups distinguished on the basis of race, ethnicity, nationality, gender, psychosexual orientation, gender identification, religion and political worldview. Particularly disturbing may be the fact that among supporters of stronger criminalization, as many as one-third are those who call for a radical increase in penalties. One important rationale for attitudes in this group may be the high level of social anxiety including fear of crime. The negative view is completed by the fact that nearly half of Poles (46.4%) believe that Poles are incapable of practicing freedom of speech. Among the groups that Poles want to protect by increasing the criminalization of hate speech are race, ethnicity, nationality, gender and psychosexual orientation. On the other hand, according to respondents, political views and religion should be protected to a lesser extent. Here, we obtain a paradoxical result: the factors that mostly lead to the polarization of Polish society, i.e. religion and political worldview, are considered the least worthy of protection; Poles want to fight over words without legal obstacles.

It is worth comparing the results obtained above with the results of Polish and foreign surveys. First of all, it is worth noting the World Values Survey (2017-2022) despite the fact that Poland is not included in it. Freedom of speech is mentioned first and foremost by the representatives of the Euro-Atlantic area. About one-third of the respondents chose it as the primary value.²⁴ The results of these surveys prove the following correlation: the more authoritarian a state is, and the less democratic, the lower the esteem in which the value of freedom of speech is held. The state of the economy is also an important factor: the better condition the economy enjoys, the more importance citizens attach to the freedom of speech among other values.

²⁴ C. Haerpfer, R. Inglehart, A. Moreno, C. Welzel, K. Kizilova, J. Diez-Medrano, M. Lagos, P. Norris, E. Ponarin & B. Puranen (eds.), *World Values Survey: Round Seven – Country-Pooled Datafile Version 5.0*, Madrid, Spain & Vienna, Austria: JD Systems Institute & WVS Secretariat. doi:10.14281/18241.20.

One of the latest global surveys of *Who Cares about Free Speech?* was conducted in 33 countries by YouGov for the legal think-tank Justitia. It focused on people's attitudes towards free speech as a general and abstract principle. At the same time, it tested people's attitudes toward specific examples of controversial elocutionary acts. In the survey, support for the abstract principle of the freedom of speech was recorded as high, at around 90% in all countries.²⁵ In addition, diversity was shown in terms of gender, age, education and place of residence, as well as views on the left-right scale with regard to particular aspects of the freedom of speech. These results are in line with the studies analyzed in this article; Poland is similar to other countries in this aspect. In Poland, it was 85%, but the differences can be explained by the maximum standard error of estimation and the slightly different way of asking this question. The results noted a higher tolerance for statements offending minority groups among those on the political right, similar to the survey conducted and analyzed in this article.

Concerning specific aspects of freedom of speech, most societies draw a line between protected speech and speech that goes too far. In the case of Poles, they consider the following to be particularly worthy of protection: race, ethnicity, nationality, gender, psychosexual orientation and gender identity, but not religion and political worldview. Other societies are also setting similar demarcations, as a survey of 38 countries by the Pew Research Center shows.²⁶

The results of a study by the Institute for Market and Social Research (IBRiS) and research institutes belonging to the Euroskopia network seem to be alarming. The comparative survey included countries making up 75% of the population of the European Union and respondents were asked about the freedom of speech and the state of democracy in their countries.²⁷ Poles rated freedom of speech in their country as the worst of all the respondents. Nearly half of the respondents (44%) felt that there was no freedom of expression on all topics in Poland. The percentage of people, convinced that freedom of speech exists in their country, is 22 percentage points lower in Poland than the European average.

Freedom of speech in Poland seems to be between the Scylla of hate speech and the Charybdis of pluralistic ignorance. Poles value freedom of speech and yet want to limit it; they recognize that it is essential to democracy and yet do not believe they can use it properly. Both hate speech and other controversial speech and pluralistic ignorance are equally dangerous and destructive. Plural-

²⁵ S.-E. Skaaning, S. Krishnarajan, *Who Cares About Free Speech? Findings from a Global Survey of Support for Free Speech*, Justitia 2021, https://futurefreespeech.com/wp-content/uploads/2021/06/Report_Who-cares-about-free-speech_21052021.pdf (accessed April 2023).

²⁶ Pew Research Center, *Spring 2015 Global Attitudes Survey*, <https://www.pewresearch.org/global/2015/11/18/appendix-c-detailed-tables/#free-speech> (accessed April 2023).

²⁷ Euroskopia, *Europejski sondaż społeczny*, N=9000, CATI/CAWI, November-December 2022.

istic ignorance involves overestimating the social environment's consensus in assessing a given political or social issue. The lack of acts of criticism in the public space comes from the fears of strict laws and excessive punishment. A strong self-censorship mechanism is created, to the point of preventing any rational discussion. Individuals, in fear of losing their reputation or being labelled, do not participate in public discussion, self-censor their statements, and separate publicly held views from those expressed privately. This mechanism can lead to the atrophy of the public sphere, the collapse of discourse or the destruction of the social bond and the culture of trust. It can also lead to a state in which deep divisions and polarizations are not visible because they are not revealed in the course of public debate in a given society. Erich Fromm pointed out that societies produce a pathological mechanism of escape from freedom. In totalitarian systems, an authoritarian or destructive personality type is formed, while in democratic systems, a mechanical conformism is formed. This very mechanism consists of the individual's yielding to external or internalized internal coercion from cultural patterns in all spheres of life. In essence, people are not free – they make decisions and express socially accepted opinions, they are not sovereign either in their actions or elocutionary acts. It is possible that symptoms of a flight from freedom are now being observed in Poland.

REFERENCES

- Arystoteles, Polityka, (in:) *Dzieła wszystkie*, v. I, A. Paciorek, L. Regner, P. Siwek (trans.), Wydawnictwo Naukowe PWN, Warsaw 2003
- Bayer J., Bárd P., *Hate speech and hate crime in the EU and the evaluation of online content regulation approaches*, European Parliament's Committee on Civil Liberties, Justice and Home Affairs, European Union 2020
- Blashfield R.K., *The Growth Of Cluster Analysis: Tryon, Ward, And Johnson*, "Multivariate Behavioral Research", 1980, Vol.15, No. 4, pp. 439–458
- Bojanowski T., *Wybrane prawnokarne aspekty mowy nienawiści w kontekście standardów ochrony wolności słowa*, "Prawo w Działaniu", 2021, 47, pp. 168-186
- Brick J.M., Brick P.D., Dipko S., Presser S., Tucker C., Yuan Y., *Cell phone survey feasibility in the U.S.: Sampling and calling cell numbers versus landline numbers*, "Public Opinion Quarterly", 2007, 71, pp. 23-39
- Brick J.M., Dipko S., Presser S., Tucker C., Yuan Y., *Nonresponse bias in a dual frame sample of cell and landline numbers*, "Public Opinion Quarterly", 2006, 70, pp. 780-793
- Brubaker S.C., *Freedom of speech*, (in:) *The Encyclopedia of Democracy*, Vol. II, S.M. Lipset (ed.), Routledge, London 1995
- Cattell R.B., *The description of personality: Basic traits resolved into clusters*, "Journal of Abnormal and Social Psychology", 1943, Vol. 38, pp. 476–506, doi:10.1037/h0054116

- Council of Europe, *Hate Speech*, <https://www.coe.int/en/web/freedom-expression/hate-speech> (accessed April 2023)
- Czekanowski J., *Objektiv kriterien in der ethnologie*, "Korrespondenzblatt der Deutschen Gessellschaft fur Anthropologie, Ethnologie, und Urgeschichte", 1911, Vol. 47, pp. 1–5
- Downs D.A., Nelson S., *Censorship*, (in:) *The Encyclopedia of Democracy*, v. I, S.M. Lipset (ed.), Routledge, London 1995
- Driver H.E., Kroeber A.L., *Quantitative expression of cultural relationships*, University of California Publications in American Archaeology, 1932, Vol. 31, pp. 211–256
- Euroskopia, *Europejski sondaż społeczny*, N=9000, CATI/CAWI, November - December 2022
- Fromm E., *Ucieczka od wolności*, O. Ziemilska, A. Ziemilski (trans.), Wydawnictwo "Czytelnik", Warsaw 2008
- Haerpf C., Inglehart R., Moreno A., Welzel C., Kizilova K., Diez-Medrano J., Lagos M., Norris P., Ponarin E., Puranen B. (eds.), *World Values Survey: Round Seven - Country-Pooled Datafile Version 5.0*, Madrid, Spain & Vienna, Austria: JD Systems Institute & WWSA Secretariat. doi:10.14281/18241.20
- Justitia, *Who Cares about Free Speech?: Findings from a Global Survey of Support for Free Speech*, (in:) https://futurefreespeech.com/wp-content/uploads/2021/06/Report_Who-cares-about-free-speech_21052021.pdf (accessed April 2023)
- Keeter S., Dimock M., Kennedy C., Best J., Horrigan J., *Costs and benefits of full dual frame telephone survey designs*, Paper presented at the 63rd Annual Conference of the American Association for Public Opinion Research, New Orleans, 2008
- Kennedy C., *Evaluating the effects of screening for telephone service in dual frame RDD surveys*, "Public Opinion Quarterly", 2007, 71, pp. 750-771
- Łopatka A., *Prawo do swobodnego wyrażania opinii*, Wydawnictwo "Scholar", Warsaw 1993
- Mika S., *Psychologia społeczna*, Warsaw: Państwowe Wydawnictwo Naukowe, 1981
- Paz A.M., Montero-Díaz J., Moreno-Delgado A., *Hate Speech: A Systematized Review*, 2020, 10(4), doi.org/10.1177/2158244020973022
- Pew Research Center, *Spring 2015 Global Attitudes Survey*, <https://www.pewresearch.org/global/2015/11/18/appendix-c-detailed-tables/#free-speech> (accessed April 2023)
- Polibiusz, *Dzieje*, Zakład Narodowy im. Ossolińskich, Wrocław 2005
- Potthoff R.F., *Some generalisation of the Mitofsky-Waksberg technique for Random Digit Dialling*, "Journal of the American Statistical Association", 1982, Vol. 82, pp. 409–418
- Skaaning S.-E., Krishnarajan S., *Who Cares About Free Speech? Findings from a Global Survey of Support for Free Speech*, Justitia 2021, https://futurefreespeech.com/wp-content/uploads/2021/06/Report_Who-cares-about-free-speech_21052021.pdf (accessed April 2023)
- Sokal R.R., Sneath P.H., *Principles of numerical taxonomy*. San Francisco-London: Freeman 1963
- Sunstein C.R., *Sprzeciw w życiu społeczeństw*, Wydawnictwo Sejmowe, Warsaw 2006
- Tucker C., Casady R., Lepkowski J., *Sample Allocation For Stratified Telephone Sample Designs*, Proceedings of the Survey Research Methods Sections, American Statistical Association, Alexandria 1992, pp. 566-571

-
- Tukidydes, *Wojna peloponeska*, trans. K. Komaniecki, Wydawnictwo "Czytelnik", Warsaw 1988
- Wakesberg J., *Sampling Methods for Random Digit Dialling*, "Journal of the American Statistical Association", 1973, Vol. 73, pp. 40–46
- Wizje Stanów Zjednoczonych w pismach Ojców Założycieli*, Wiktor Osiatyński (ed.), Państwowy Instytut Wydawniczy, Warsaw 1977