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“Come on, It’s just a joke”


Are persons with disabilities provided adequate protection
from disablist speech online? A Case Study of Harvey Price
Memes

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ABSTRACT

In 2017, Katy Price launched a petition to make online abuse a criminal offence after her 14-year old disabled son, Harvey, was the target of disablist internet memes cloaking discriminatory language such as ‘retard’ and ‘spaz’ as ‘just a joke’. With disabled persons being physically, or intellectually disadvantaged, they may struggle to recognize, report, or defend themselves from disablist speech. This study explores this issue in the online community of image-based internet memes by conducting seven individual semi-structured interviews. Applying grounded theory analysis to investigate the experiences and insights of participants, this study discovers participants to: use memes as a ‘new online language’; refer to a system of ‘hierarchy in minorities’ when assessing discriminatory content online, and a general skepticism in the efficacy of self-regulatory flagging and reporting mechanisms offered by platforms. With legislation imposing high fines on platforms to reply to complaints within 24 hours, this study suggests the issue may lie in the skeptical attitudes’ participants reflect towards self-regulatory mechanisms. Proposals to tackle this issue must be sure to strike an appropriate balance of Article 14 "*Protection from Discrimination*" and Article 10 "*The Right to Freedom of Expression*" set out by the European Convention of Human Rights (**ECHR**). Based on these issues, this paper calls for academic research and policy to give more attention to disablist speech online and proposes for stricter enactment of Article 8 "*Awareness- Raising*", set out by the United Nations in the Convention on the Rights of Persons with Disabilities (**CRPD**). Article 8 holds councils responsible for raising awareness in the public and encouraging users to monitor and regulate spaces online according to their judgment. By encouraging users to employ self-regulatory mechanisms to monitor and regulate disablist speech according to societal standards, this proposal aims to respect the balance of the basic human rights of Article 10 and Article 14 of the **ECHR**.

KEYWORDS

Hate speech;
social media;
online
communication;
disablist;
discrimination;
harassment;
Internet memes;
Free speech;
regulation;
policy; equality



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Section 1.1: Introduction

‘A lie can be halfway ‘round the world before the truth has got its boots on’, encapsulates the success of merging media and technology to create social media (Levmore and Nussbaum, 2010:107). ‘Ordinary people’ as well as professional journalists, political and social elite are able to broadcast thoughts, emotions, knowledge and ideologies across the globe anonymously if they wish and instantaneously by clicking a button (Barendt, 2007). While this may offer many opportunities for self-expression, self-growth and learning, there is a growing concern of the internet being used for malicious purposes, with Berners-Lee, inventor of the World Wide Web, launching a campaign *#ForTheWeb* to tackle ‘online abuse, prejudice, bias, polarization and fake news’ (Sample, 2018). Additionally, in 2017, Katy Price launched a petition to make online abuse a criminal offence after her 14-year old disabled son, Harvey, was the target of disablist internet memes cloaking discriminatory language such as ‘retard’ and ‘spaz’ as ‘just a joke’. Reaching 100,000 signatures, it prompted parliamentary inquiry and an announcement that the laws for online abuse were unfit for purpose with “disability hate speech not being fully recognized and perpetrators not appropriately punished” (Parliament.uk. 2019). Following Jurgensen’s (2011) logic, “our offline lives are increasingly influenced by social media”, Parliament concluded online spaces as holding the same value as offline spaces therefore, people should be afforded the same protection. Their inquiry detected disability as receiving less protection than “those who suffer hate due to race or religion” (ibid).



With the recent ‘Harvey Price’ inquiry into the presence of disablist language in image-based internet memes, this study examines the presence and dissemination of disablist languages in memes. Arguably, with disabled persons being physically, or intellectually disadvantaged, they may struggle to recognize, report, or defend themselves from disablist speech online and therefore, may rely on other able-bodied users to resist disablist speech on their behalf to reduce the spreading of disablism and secure a safe online space for disabled persons (Hawking, 2014). It is for this reason, this study conducts seven individual semi-structured interviews to examine the experiences, perceptions and reflections of users towards memes online and the current regulatory systems.

Being described as ‘widely reproduced pop-culture phenomena, ideas, or images’, internet memes incorporate a humorous undertone, are adaptable in transmission and character, easy to create, accessible and viral in nature (Travers, 2014:310). They dart between platforms and online spaces, in anonymous or identifiable forms (Davison, 2012). The ease of use and accessibility inspires academic research to study memes as a tool of engagement that might establish a ‘new language’ to convey emotions, humour, knowledge and ideologies (Katz and Shifman, 2017; Travers, 2014; Vickerey, 2013; Topinka, 2018). Being used at both an intimate and widespread level in casual everyday conversation, memes are argued to play a ‘core part in online culture’ (Leaver, 2013:229., Klaus, et al. 2012:260). Its adoption in online culture suggests the importance of research into the nature and uses of ‘memes’. As with any sensation on the web, it is essential to consider the opportunities and disadvantages memes offer the digital community. Recent studies show a polarization in opinion, with one side advocating memes as enriching online spaces and the other recognizing it as pollution (ibid., Leaver, 2013., Grundlingh, 2017). While there may be other forms of communication and everyday jovial conversation involving disablist jokes offline and online, the spreading of

disablism in memes, a form argued in research as a ‘viral’ communication tool, used daily as a ‘new language’ that plays a ‘core part of online culture’ is what prompted this research. To situate the research within wider academic discourse, this study begins by mapping out some of the relevant literature, arguments and regulations regarding hate speech and disablism. Next, a brief outline of the grounded theory methodology used in the analysis of the interviews. Finally, closing with a discussion of the responses of participants with regards to significant and relevant reflections presented in academic research

Section 1.2: Research aims and objectives

Applying grounded theory analysis to investigate the experiences and insights of participants, this study discovers: participants to use memes as a ‘new online language’; a tendency for participants to refer to a system of ‘hierarchy in minorities’ when assessing the weight of discriminatory speech, and participant skepticism in the efficacy of self-regulatory flagging and reporting mechanisms offered by platforms. To tackle hate speech online, in May 2016, the European Commission announced a Code of Conduct for internet companies. Currently still conducting the study, The Department for Digital, Culture, Media & Sport (DCMS) aims to decide on either revising the laws, or enforcing criminal offence legislation online (Bowcott, 2018). Enforcing criminal offence legislation online, Germany introduced the German’s Network Enforcement Act (NetzDG) in January 2018. With these legislations imposing high fines on platforms to reply to complaints within 24 hours, this study suggests the issues may lie in the skeptical attitude participants reflect towards self-regulatory mechanisms. Initiatives responding to hate speech online with the use of harsher regulations must be cautious not to impede on Article 10 set out by the European Conventions of Human Rights (ECHR) the “*Right to Freedom of Expression*”, recognized in society as essential to foster democracy, innovation, community, self-development, scientific advancement and

production (Rowbottom, 2012., Mills, 2010). Proposals must strike an appropriate balance of Article 14 "*Protection from Discrimination*" and Article 10 (Martinez, 2014).

Based on these issues, this paper calls for academic research and policy to give more attention to disablist speech online and proposes for stricter enactment of Article 8 "*Awareness- Raising*", set out by the United Nations in the Convention on the Rights of Persons with Disabilities (**CRPD**). This holds councils responsible for raising awareness in the public to encourage users to monitor and regulate spaces online according to their judgment. By encouraging users to employ self-regulatory mechanisms to monitor and regulate disablist speech according to societal standards, this proposal aims to respect the balance of the basic human rights of Article 10 and Article 14 (**ECHR**).

Section 2.1: Introducing Hate and Free Speech- Article 10 and Article 14 of ECHR

As enshrined in the European Conventions of Human Rights (ECHR), Article 10 '*Right to Freedom of Expression*' and Article 14 '*Protection from Discrimination*' are two fundamental human rights (Martinez, 2014). As mentioned, '*Freedom of Expression*' is recognized as a valuable right for individual and societal purposes (Rowbottom, 2012., Mills, 2010). Goffman (1963) illustrates the importance of Article 14, emphasizing how derogatory labelling may force individuals into the peripheries in society thereby, reducing them 'in our minds from a whole and usual person to a tainted, discounted one' (Goffman, 1963:12).

Analysis of paragraphs (1) and (2) of Article 10, introduces the complexities of levying the right to free speech against an individuals' right to protection. As stated in the first paragraph:

[REDACTED]

[REDACTED]



Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers (ECHR, Art. 10(1)).

Paragraph (2) outlines the limit to free expression, reinforcing that with this right comes ‘*duties and responsibilities*’ to respect the rights and protection of others:

‘for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others’. (ECHR, Art. 10(2)).

With cases varying in nature, no ‘one size fits all’ and so courts are required to undertake separate actions of weighing Article.10 and Article.14. The subjective definition of hate speech problematizes this task with difficulties arising in drawing the line between hate speech (inciting harm) and offensive speech (hurt feelings). The clarification between the two is crucial, with the latter being insufficient to infringe upon Article 10. Regulators have struggled to establish a universal definition of hate speech. Several attempts by Tenove, et al. (2018), UNESCO (2015) and Council of Europe, (1997) define hate speech as harassment, defamation, discrimination, or threats of violence. While these definitions may not cover all complexities of hate speech, they provide guidance.

Mill’s (2010) study ‘*The Marketplace of Ideas*’ attributed to him and coined by Supreme Court Justices Olivia Wendall Holmes and William O Douglas may better our understanding of the standpoint of academics advocating Article 10 online. Based on an analogy of ‘free market’ principles, the logic of ‘*Marketplace of ideas*’ professes to discover the truth and encourage individual autonomy by allowing discourse and ideas to freely compete with one another (Mills, 2010). Reiterating the purpose of the Internet being to afford ‘ordinary people’, rather than just professional journalists, political, or social elite the ability to communicate to a wide audience and access, or impart knowledge, Barendt (2007) enriches this theory, by contending



the Internet as being a tool for self-fulfillment and promoting equality, public discourse and democracy. While Mills (2010) and Barendt (2007) provide valuable insights into the importance of Article.10, their arguments tend to overlook the power structures and disparities in economic, political or social advantage (Ingber, 1984). Doing so, may discount the possibility of poor, or false information receiving greater attention online, if disseminated by more powerful users.



Introducing another perspective, psychologist, Clark (1965) argues a disproportionate balance of Article.10 and Article.14 may jeopardize an individuals' respect and dignity in society, leading them to doubt their own worth (Clark, 1989:63-64). Defining dignity as a 'person's entitlement to be regarded as a member of society in good standing', and offence as a 'subjective reaction of hurt feelings', Waldron (2012) warrants the gravity of dignity in society, holding dignity as sufficient to impede on Article.10 and offence as insufficient (Waldron, 2012:107,105). While these studies contribute valuable arguments, they may not fully recognise the instrumentality of the Internet's infrastructure. With this study examining expression in internet memes, it may be helpful to explore their properties and affordances to advance our understanding of the nature of this communication online within the academic debate (Levmore and Nussbaum, 2010).

Section 2.2: Memes and their infrastructure online

Dating back to Darwinian evolution theory, '*natural selection*', Dawkin (2006) applies the theory of decent, replication and modification of characteristics and genes in a species to his theory of 'memes'. Applying replication and modification, he argues 'memes' as being the

social process of developing culture and knowledge through ‘cultural transmission’. Later extending this theory to internet memes, he applies the modification theory to ‘modified’ and ‘altered’ human creativity and replication by viral ‘imitations’ of IP addresses. Building on this theory, Klaus, et al (2012) discover the presence of ‘memetic communication’ established through this imitation and manipulation. According to Leaver (2013), the ‘rapid distribution and remixing of memes is now a core part of online culture’ (Lever, 2013:229). Supporting this, recent studies maintain memes as introducing a ‘new language’ for daily communication of emotions, humour, ideas, knowledge and ideologies (Topinka, 2018., Travers, 2014., Klaus, et al., 2012). Inspired by Mill’s (2010) theory of the ‘*Marketplace of Ideas*’, Klaus, et al. (2012) situates memes into the free speech debate, claiming memes offer ‘ordinary people’ an active, rather than passive experience of media and knowledge, whereby they are able to explore and contribute to the creation of culture and knowledge through collaboration. Unfortunately, this theory may be subject to the same limitation as Mill’s (2010) by overlooking the power imbalances online (Ingber 1984).

Supporting Klaus, et al’s (2012) point, Rowbottom (2012) argues ‘conversational and spontaneous’ communication guides self-development by advising the public how to present themselves (Rowbottom, 2012:383). Rowbottom (2012) acknowledges the importance of protecting users from hate online, but insists the limitations set out in Article 10 are impractical in the digital context. By burdening the ‘casual amateur’ with ‘*duties and responsibilities*’ he argues users are subjected to the same standards as professional journalists and calls for a ‘lowering of standards for the amateur speaker’. With studies defining memes as a form of everyday conversation conveying humour, ideas and knowledge, his theory may be applied to memes. While Rowbottom (2012) provides a valuable contribution clarifying the individual benefits of Article.10, he may be criticized by



Matsuda, et al (1993) for being one-dimensional. Enriching his argument, they highlight the societal benefits of Article.10 to encourage creation and dissemination of ‘substantive content’ and reinforce equality.

Levmore and Nussbaum (2010) introduce how the above perspective may overlook the potential of ‘conversational and spontaneous’, or ‘amateur communication’ limiting self-development and allowing inaccurate and harmful content to permeate. Detecting prerequisites of unwritten design rules of communication in ‘amateur communication’ brings them to conclude the format as limiting the possibilities of expression and self-development in users. Katz and Shifman (2017) identify this issue in the design of memes, with each meme repeating the same visual, then modifying it by remixing it and repositioning it with different ‘nonsense’ texts. Revealing a different perspective however, they argue the design as enhancing familiarity and encouraging a positive and inclusive community. While this adds a fresh perspective, it may disregard the possibility of a comment or picture being taken out of context and used with the incentive to create hateful content (PRISM, 2014-2016). Exploring this in cyber cess-pools, Levmore and Nussbaum (2010) argue how the stripping of ‘relevant context’, involving selecting and framing information with malicious intentions, gives individuals online greater possibilities to inflict harm on others. They propose stricter legislation to content regulation online. Strict legislation however, may hold ‘ordinary people’ uneducated in legal matters to high fines, resulting in a restriction of self-expression and self-development (Barendt, 2007; Rowbottom, 2012). Recognising this, Barendt (2007) calls for modification of ‘legal standards regulating traditional media’ in order to ‘cater for the characteristics of the Internet and its users’ (Barendt, 2007:463). The House of Lords Communication Committee (2014) opposes this view, declaring they are not persuaded ‘that it is necessary to create a new set of offences specifically for acts committed using the social

media'. The defamation case of *Monroe v Hopkins* [2017] involving Ms. Hopkins sending a defamatory tweet about Ms. Monroe, challenges their decision. Deleting the tweet two hours after sending it to her 140 followers, retweets brought her comment to reach mainstream media resulting in serious reputational damage for Ms. Monroe (Guba and Lincoln, 1994). Despite the conditions and online context, the courts applied traditional legal standards of strict legislation imposing £24,000 in damages (Quinn, 2018). While this case does not deal with discrimination, it may support Rowbottom's(2012) argument of the casual amateur being subject to strict legislation online. Each perspective provides strong insights into possible regulatory responses and the issues that arise. However, there may be an oversight of the self-regulatory mechanisms and user agency. To build on their insight, this study considers instances of user agency to resist hate speech and oppression by pushing back with counter-performances and counter-discourse online.

Section 2.3: Memes as a form of engagement: widespread, permanent and itinerant communication features

Following the guidance of the UNESCO's(2015) report on hate speech, and Gagliardone et al (2015), highlights the widespread, permanent and itinerant features of online communication technologies. Discussing these properties and affordances of online communication and memes introduces a polarization in the literature with one side arguing the features as encouraging political and social participation and the other contending they encourage and reinforce discriminatory views.

Several studies identify these features instigating civic engagement by drawing on notorious examples of the: 1999 WTO protest in Seattle; Arab Spring uprising; World Social forum of Brazil in 2003 and Mumbai in 2004 (Eltantawy and Wiest. 2011; Langman, 2005). These

[REDACTED]


affairs demonstrate the success of communication technologies to organize, create and inspire social movements and engagement around the world through their widespread, permanent and itinerant features. In light of these uses, studies argue the importance of safeguarding free expression in online spaces (Langman, 2005). Nevertheless, limitations outlined in Article.10 must still apply, with the 2014-2016 PRISM report detecting how widespread, permanent and itinerant features may accentuate hate. Supporting this view, several studies argue by affording liberation from geographical and moral constraints of the physical world, these features ‘provide a strengthened infrastructure for proliferation and reproduction of hate speech’ (Cornwell and Orbe, 1999; Elbahtimy, 2014; Brennan, 2009; Duffy, 2003). The CRPD maintain such widespread, permanent and itinerant features may potentially result in hate marginalizing and driving people off certain platforms (CRPD, 2018).

Recognizing memes as permeating discriminatory views online, Yoon (2016) finds discrimination a result of users misunderstanding, or misreading of memes. Exploring this argument Topinka (2018) deduces the humor characteristic of memes as the source of this misunderstanding. In her investigation of Alan Kurdi memes and the hashtag #ImGoingToHellForThis, she uncovers an underlying political agenda, in which racism and nationalism ‘flourish’ in meme communities (Topinka, 2018:2066). She argues the unwritten rules and culture of memes ‘cloak’ underlying racist and nationalist ideologies by ‘repositioning it as humour’ thereby, making memes the ‘most dominant and destructive political trend of our time’, (Topinka, 2018:2066). While her insights into the humorous characteristic of memes enlightens this study, her conclusion of this hate never being accepted in traditional media may be challenged by Holmes and Castañeda’s (2016) research into newspaper coverage of the 2015 reporting of the refugee crisis. Their results illustrate the

hospitallity and xenophobia present in European newspapers, drawing on the *Daily Mail*, in particular (Crone, 2015, Holmes and Castaneda, 2016).

While Topinka (2018) and the CRPD demonstrate how hateful messages may be spread virally online and in memes, they may discount and therefore, undermine their potential to be employed for societal benefit. Vickerey (2013) and Cheong and Lundry (2012) present examples and arguments of memes being used as a form of prosumption (consumption and production) to construct radical content, political parodies and encourage resistance through remediation, reappropriation and circulation. They argue memes as being an effective form of engagement, describing them as “compelling ideas, catchphrases, graphics, or stories that cultural dissemination generates like virus imitations and reproductions” (Cheong and Lundry, 2012:493). Illustrating the appeal to communicate through memes and disseminate them for political, or social purposes, these studies highlight the impact of memetic communication in online culture. Building on the idea of collaboration and sharing of memes, Travers (2014) and Katz and Shifman (2017) introduce how memes can be used as a tool to encourage community and inclusivity online.

In his study of Chris Crocker's LGBT campaign ‘Leave Britney alone’ Travers (2014) goes as far as to profess memes as inciting changes in attitudes, social support and participation. He argues memes do this by allowing people to explore a ‘non-rational dimension of thought’ that allows them to ‘resonate’ with the feelings of others (Travers, 2014:316). By resonating with others, he argues that memes convert ‘distance into intensity and self-relation’ (ibid). Introducing another perspective, Katz and Shifman (2017) focus on the ‘digital nonsense’ of memes, arguing that it is the ‘nonsense’ in the text that acts as a ‘social glue’ by encouraging engagement, participation and expression of ‘quirky creativity without being sanctioned’



(Katz and Shifman, 2017:839). In their study they recognise the ‘set of unwritten rules for proper meme-related conduct’ as ‘meme literacy’ representing the ‘cultural capital’ of memes by giving users the ability to ‘differentiate members from non-members’ or behave as the ‘social glue’ of the meme community (ibid:828). While Katz and Shifman (2017) recognise how ‘meme literacy’ can restrict communication online, they may undermine the possibility of the ‘social glue’ encouraging an exclusive nature in meme communities that could perhaps encourage divisiveness and offense in certain spaces (Topinka, 2018). Each study has informed this research of the opportunities of engagement and concerns of harm present in meme communities. Supplementing the reflections in these studies, Gagliardone, et al. 2015 investigate into the challenges widespread, permanent and itinerant features communication technologies present regulation.

Setting out the complications, Gagliardone’s (2015) clarifies how itinerant and permanent features allows content that has been removed by regulators to return under a different name and in a different space, or location that is governed under a more liberal system.

Recognising this, Gagliardone et al (2015) detect an oversight in current legal measures to address this itinerant, permanent and global ‘nature of the interactions enabled by digital information and communication technologies’ and therefore, deduce them as ‘ineffective’ and ‘inappropriate’ (ibid). While these perspectives inform this study on the challenges and academic polarization in opinion, to bring more depth to the discussion, it may be constructive to consider anonymity in meme communities.

Section 2.4 Anonymity

Academic debate grappling with balancing Article.10 and Article.14 online tend to be polarized in matters of anonymity, with one side arguing anonymity as offering opportunities of self-

development, emancipation and security for civic engagement and resistance and the other contending anonymity as a tool to ‘stifle’, harass, threaten and intimidate minority groups, movements, or vulnerable groups online. (Stein, 2003;Sobel, 2000; Leavitt, 2015). These reflections guide this paper to find anonymity a vital component to online culture.

To clarify, this paper understands anonymity as ‘the ability to conceal one’s identity while communicating’ (Sobel, 2000:1). Applying this to memes, anonymity affords users the freedom to decide if they wish to attach accountability to their meme. Situating memes within the academic debate, Davison (2012) paints a picture of the online environment as a globe in which platforms and services, such as *Facebook, Amazon, Twitter, Google*, etc. are countries and memes are the ‘sea’ in-between the countries. Drawing on this metaphor, he continues to argue the countries (*Facebook, Amazon, Twitter* etc.) are the ‘restricted’ areas of the web and the sea (memes) the ‘unrestricted’ area. The key difference being that regulators are able to assign accountability to the content on the countries (platforms), but not the sea (memes). Understanding the online environment in this way, Davison (2012) concludes memes as symbolizing creative freedom. While Davison’s (2012) contributes a unique perspective on the debate, his argument of memes symbolizing creative freedom lacks expansion. Sobel’s (2000) reflections may enrich his argument contending how anonymity ‘fosters free expression’ by creating a ‘shield from the tyranny of the majority’ and protecting individuals from ‘social ostracism’ (ibid:2 and *McIntyre v Ohio election Committee* 514 U.S 334-357).

Both Sobel (2000) and Eltantawy and Wiest (2011) highlight the importance of anonymity to protect individuals resisting government corruption, arguing the request for IP addresses and caller ID from platforms should be construed as an ‘attack’ on free expression. Supporting this argument, Stein’s (2003) investigation into the gay and lesbian online communities brings him

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to deduce anonymity as acting as an essential ingredient in the efficacy and efficiency of cyber-activism of sexual minorities. Similar to Stein (2003), Vickerey (2013) detects a support system present in a meme community by encouraging victims of rape, violence and homophobia to share their experiences and emotions with other members. She argues how anonymity allows for a ‘transgression of social boundaries’, changing the meaning and form of online spaces (Vickerey, 2013:323). In her study, Vickerey (2013) notes a possible digital divide, but professes the ‘tools and literacies necessary to create memes to be minimal’. Such an observation may undermine intellectual, physical or economic barriers that may prohibit an individual participating. These studies provide rich examples and arguments in support of anonymity in memes communities however, they may be compromised by their tendency to overlook, or undermine instances in which, anonymity can be used as a tool to ‘stifle’, harass, threaten and intimidate minority groups, movements, or vulnerable groups online.

Representing this standpoint, studies argue ‘throwaway accounts’ affording anonymity and “temporary technical identities” as tempting users to express opinions they would otherwise hesitate, or ‘hold off’ expressing, out of fear of judgement, criticism or punishment (Gagliardone, et al 2015:15; Herring, et al. 2002; Leavitt, 2015; Gagnon, 2013; Gullota et al, 2014;). Zimbardo (1969) describes this condition as an ‘individuated state’ in which feelings of guilt, shame and fear are weakened by the absence of responsibility. PRISM (2014-2016) links this idea of anonymity relieving users of accountability to the ‘depersonalisation’ theory of users being disconnected from the reality of their actions online and unaware that their actions may inflict pain on a real person (PRISM, 2014-2016:17).

Situating memes in this argument, Lever (2013) studies the presence of anonymous internet trolls on *Facebook*. In his paper, he identifies memes as playing a central role in trolling culture,

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concluding anonymity as creating a sense of distrust in communal spaces online. With the recent developments in technology and regulation, such as *Facebook* launching a tool in December 2017 to prevent harassment and fake accounts on the platform, it may also be argued that Gagliardone, et al.'s (2015) and Lever's (2013) studies may be slightly outdated (Newsroom. Fb, 2017). Keeping informed and up to date with the evolution of technology and legislation is a challenge often encountered by research in communications and media (Wajcman, 2008:74-75).

As evidenced, the potential for anonymity and online communication to inflict harm is significant and should not be overlooked or underestimated. This study has also addressed the necessity to preserve anonymity for the safeguarding of people who wish to retaliate against oppression, or government corruption. In search of a compromise between the polarized views of ridding and restricting anonymity, to preserving, and safeguarding it, brings the study to consider the possible solutions offered by legislation and regulation. Examination of regulatory responses bring the study to acknowledge the legal issues and practical challenges that arise in the application of regulatory systems.

Section 2.5: Recommendations and regulatory responses

Due to the size and scope of this research, the following section assesses how three leading liberal democratic systems address the issue of hate speech online. The three systems considered are the U.S, Germany and the UK/EU. As of yet, the UK is currently in agreement with EU legislation regarding content regulation online however, it is necessary to remain vigilant for any changes that may take place post-Brexit (House of Lords Communications Committee, 2014.).


As pointed out by Barendt (2007), the U.S has a long history with free speech, giving them time to adopt their system to best reflect the country's history with free speech. It is for this reason that their approach to content regulation may be contrasting to Germany and the EU, who reveal to give more weight to the right to protect individuals from harm and discrimination. Content regulation in the U.S is constructed through caselaw, meaning the legal measures are developed over years through various cases presented before the court. While Barendt's (2007) gives an accurate account of the U.S's legal system favouring free speech over regulation, his study is limited in that it is outdated in the legislative developments in EU and German law. With regards to the US's approach however, Fredman (2011) disagrees with its' stance to give more weight to free speech. In his conclusion, he maintains that legislation should take 'proactive measures that are also preventative' (Fredman, 2011:299). He argues that preventative measures will ensure that protection from harmful speech is not limited to those who complain, or can afford the expense of litigation. Additionally, he argues that it will no longer make the perpetrators who may be unaware of legal punishments for expression fully responsible for their actions but will shift the burden onto people who are 'in best position to promote equality', i.e. internet platforms and regulators (*ibid*:302). While this argument highlights key issues in legislation, such as the burden and expense of litigation to victims of hate speech, he does not consider cost on free expression, democracy and innovation. Taylor and Cram (2013), law professors at the University of Leeds, emphasise how the prevention of publication should be viewed as the most serious encroachment on free speech, resulting in a 'chilling' of free speech and should not be taken lightly. Regulators, academics and courts addressing issues of hate speech often discuss the difficulty in balancing Article 10 against Article 14, with the Law Commission's 2014 Report on Hate Speech refusing to extend the Public Order Act (1986) 'stirring up hatred' prosecution of threatening, abusive language motivated by race, religion and sexual orientation to include disability on the basis that

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prosecution of disablist language might incite ‘perception of creeping censorship and thought control’ (Law Commission, 2014:189). Internet platforms additionally demonstrate awareness of this pressure, with *Reddit* (2015) justifying their banning of five subreddits on the grounds that they were ‘banning behaviour, not ideas’. To explore alternative solutions to the balancing act, the next section considers the approaches taken by the European Commission (EC) and Germany. Both perspectives however, do not consider the possibility mentioned in the above section of other users coming to the defense of those targeted with counter-performances and counter-discourse.

In May 2016, the EC collaborated with *Facebook*, *Twitter*, *YouTube* and several other internet companies to form a Code of Conduct to counter offensive speech online. The terms of this agreement require companies to review, remove or disable access to harmful content online within 24 hours of being reported by a user of the platform (European Commission, 2016). Despite the code not legally binding companies, the EC announced in 2018, that subsequent to establishment of the code 70% of illegal hate speech online had been removed in 2018 (European Commission, 2018). Taking a more robust approach, in January 2018 Germany enforced their Network Enforcement Act (NetzDG), often referred to by regulators as their ‘hate speech law’. This decision involved applying 22 statutes already in existence in the German criminal code to the online environment. Their incentive in introducing this law was to increase the legal responsibility for platforms in regulating content online. The NetzDG applies to all online companies and platforms with more than 2 million German users. A fine of 50 million euro if the companies did not respond to a complain within 24 hours was imposed to assure efficacy of the law.

Both the EC and German approach towards content regulation online would be criticised by Crawford (2016) for their use of a flagging system for regulation. Both Germany and the EC rely on users to flag up content to online companies. Crawford (2016) argues ‘flagging’ systems as ‘burdening’ users with the task of identifying offensive or harmful content. She argues this system as being inefficient and ineffective in protecting users online. In her study, she draws on the example of Caroline Criado-Perez, a female activist, subject to threats of violence on social media after campaigning for more women to be on bank notes. She demonstrates how the flagging system proved to be ineffective, with content that had been taken down as reappearing under a different name, or on a different platform. This relates back to Gagliardone et al’s (2015) argument of communication online being anonymous, itinerant and permanent in character. Additionally, Samantha Bradshaw, researcher at Oxford Internet Institute confirmed that fake accounts are becoming increasingly difficult for researchers to detect, with the ‘completely automated’ computer code now being partially operated by real people to ‘feel more genuine’ (House of Commons, 2017). A further issue of this system is the lack of transparency, with internet companies concealing how and why content is removed. Crawford (2016) applies this argument to cases of legitimate political movements and cyber-activism online that can be flagged and shut down. While Crawford (2016) presents convincing arguments challenging the current legal systems, to develop her argument further, she could include victims of the digital divide, who for economic, physical, or intellectual reasons are excluded from the flagging system. This introduces the argument of ‘flagging’ as potentially being exclusive to those with the necessary facilities, abilities, IT skills and knowledge to flag down content in the first place (Turkle, 2008). Acknowledgement of those unable or unwilling to report instances of hate crime online introduces the issue of cases that are left unreported and the importance for people who are able to come to the defense of those targeted with counter-performances and counter-discourse.



Continuing the criticism of legislative response, Tenove, et al (2018) argues legal measures as being unable to ‘address the speed, scale and global reach of harmful speech on social platforms’. In their paper, they propose a three-point plan for a regulatory system in Canada. Firstly, they state that the government must clarify the measures and processes they will take when tackling hate speech online, as the laws currently in place are vague and unclear. Next, they propose the establishment of a Moderation Standards Council (MSC) to work alongside internet companies in the establishment of content moderation procedures for the handling of complaints. Lastly, they emphasise the importance of investing in funding further research and education to ‘develop, test and roll out measures to respond’ to hate speech online (Tenove, et al, 2018:6). This strategy aims to strike a balance between free expression, protection of the market and protection of individuals online. While their plan demonstrates considerable recognition of the various concerns involved in the regulation of hate speech, they miss out the valuable contribution of technocrats. Being experts in the technology, technocrats may be the ‘best placed to shape the development of the internet’ through software solutions and algorithms (Freedman, 2016:118). That being said, this paper does not advocate technocrats to work alone on this solution, only that Tenove, et al. (2018) may wish to consider them in their proposal.

Similarly to Tenove, et al (2018), Bamforth, et al (2008) advocate the efficacy of education in countering hate speech online. In their study, they introduce the implementation of ‘non- legal strategies of cultural policies’ to encourage unpopular minorities to respond and counter hate speech themselves. Supporting programs to educate minorities, who are the victims of hate speech may prove effective to a certain extent. The efficacy of such solutions is dependent on the strategies adopted by the systems. When considering minorities affected by hate speech

online, it is necessary to assess the abilities and degree of vulnerability of the subjects. Vulnerable subjects may be children, minorities, disabled persons, elderly persons and economically disadvantaged persons (Icelandic Human Rights Centre, 2018). With regards to hate crime online, the digital divide must be addressed. Even with the highest quality of education and technology, a person with an intellectual disability may struggle to respond, or even recognize when they are subjected to hate speech online. Recognizing this, this paper is in the same mind as Parliament in that the protection of people with a disability is crucial both in the physical world and online world (Parliament.uk.2019). Therefore, to support those who are less able to defend themselves online, it is essential for other able-bodied users online to come to their defense pushing back from hate speech with counter-performances and counter-discourse. In reference to the physical world, the Convention of Right for People with a Disability (CRPD, 2008) outlines a list of articles. Article 8, ‘*Awareness-raising*’, is of particular interest to this study, as it holds State Parties to an obligation to raise awareness to overcome negative stereotypes of disabled people (CRPD, 2008). This article is particularly interesting, as it defies harsh regulation that may restrict user ability online but supports regulation to encourage users to employ self-regulatory tools. While this perspective may be criticized by Crawford (2016) for burdening the public with the responsibility to counter hate online, it may enable users to raise concerns according to “community guidelines” (Crawford and Gillespie, 2016). It may be interesting therefore, to consider in the regulation of disablist language online.

Section 2.6 **History of Disablism**

Cultural history demonstrates a pattern in society to dehumanise people with a disability, with the earliest literature documented by Michele de Montaigne in his writing “*Of a Monstrous*

Child’ in 1580. Goodley et al (2016) argue depicting disabled children as being a ‘monstrous’ born with ‘deformities’ in literature demonstrates society treating them as a ‘DisHuman Child’. As well as referring to ancient literature, they prove their point with historical facts. Drawing on facts of Victorian England in which disabled people were used in ‘freak show’ entertainment, up until 1939-1945 Nazi Germany where, the killing of thousands of disabled people was justified by their ‘dishuman’ form (Hevey, 1992). Labelling and discrimination of this nature may also be found today online, with people sharing their experiences of hate speech in articles and blogs. Only in December 2018, parents with a disabled daughter were targeted online by trolls calling their daughter a ‘monster’ and ‘sick fetus’ (Baker, 2018). Posted a year ago on *Reddit* was another instance of a picture of a disabled boy at a Lady Gaga concert being labelled as a ‘monster’ (Reddit, 2018). Labelling disabled people as ‘monsters’ in society with phrases such as ‘out of control’, or ‘unpredictable’ is argued to provoke fear and fascination, by projecting disabled people as an individual of curiosity, non-human and different to the rest of us (Shildrick, 1996, Goodley, et al.). Clarifying that to be human means to be entitled to fundamental rights and protections, Taylor (2013) deduces that in being denied a human title, disabled persons are denied fundamental human entitlements and protections.

Quarmby (2008) stresses the concerns for allowing this form of discrimination to permeate online as signaling a tolerance and acceptance of ‘casual disablism’ (Quarmby, 2008). Deal (2007) supports her argument introducing the state of ‘aversive disablism’, in which disablist language is normalised and part of everyday casual conversation. Publishing a report in 2014, The Anti-Bullying Alliance revealed 70% of teachers in schools in the U.K hearing children use the words ‘spaz’, ‘spastic’, ‘retard’ and ‘mong’. Burch (2018) contends this casual use of disablist language as being permeated through the disguise of ‘banter’ and ‘humour’. She continues to argue disablism as being just as harmful as racism, sexual and religious

discrimination, but not acknowledged to the same extent in research, or society as a whole and proposes a solution:

“there is space for the Internet to be utilized by different actors involved in tackling online hate by utilizing those facilities that provide a platform for hate as tools of engagement, communication and resistance” (Burch, 2018:407)

While the harmful effects of disablism should be raised, this observation suggests that in the present day they are not as common place, with some research and users demonstrating resistance to disablist speech. Rather than considering them as part of the mainstream public discourse therefore, perhaps they should be thought of as on the fringes of society. Pushing these attitudes to the confines of society demonstrates progress and promise for a growing resistance and intolerance to disablist speech online. With online communities being a valued channel of communication for disabled people who may already feel removed from society given their physical, or intellectual disadvantages, it is essential to ensure they are a safe space (Bowker and Tuffin, 2002).

While the literature referred to in this section has been extremely valuable in informing this research, their methods overlook the attitudes and behaviours of other users online who may not be directly impacted by disablism, but exposed to it (PRISM, 2014-2016). Examination of their actions and perspectives on this issue may contribute to existing research by furthering our understanding of responses to disablist speech. Being at a physical, or intellectual disadvantage and ‘disproportionately represented’ online, disabled people might not be able to recognize, report and defend themselves online (Hawking, 2014). That being said, they may rely on other able-bodied users, exposed to this speech, but perhaps not directly impacted by disablism to come to their defense and report or confront issues on their behalf. Recognition of

[REDACTED]

this brings this study to examine the perceptions, experiences, attitudes and behaviours of seven participants in semi-structured interviews.

Section 3.1: Semi-structured Interviews

In facilitating a new form of communication, otherwise expressed as ‘memetic communication’ in the literature, internet memes raise significant questions regarding existing theories on habits and interpretations of online expression in everyday coordination. To shed light on real-life responses to this form of communication, this study conducts seven semi-structured interviews. Before delving into the research, it must be noted that the adoption and acceptance of internet communication in society is individual and never certain, or fixed (Morris, 2015). When exploring the uses of internet in society, it is essential to recognize that each theory may be limited to ‘the social class currently wealthy enough to afford such things’ and the members who possess the necessary IT skills and digital knowledge to operate them (Turkle, 2008:130). Existing discussions assessing the adequacy of the current legislation regarding hate speech online frequently approach research with comparative legal research, or document analysis whereby primary and secondary sources of past cases and legal systems are collected and analyzed (Simion, 2016., Tenove et al., 2018., Crawford, 2016., Country Report, 2018). This method often demands a qualitative interpretative process involving a description, explanation and evaluation of legal systems and past cases (Van Hoeke, M. 2015.). Studies introduced in the literature review that tackle hate speech felt it appropriate to adopt discursive and textual analysis to assess the extent of harmful speech online (Vickerey, 2013). Researchers investigating into hashtags and *Twitter*, felt it best to gather a larger dataset to infer conclusions about a wider population, making it necessary to adopt a quantitative method (Topinka, 2018., Simion, 2016., Spamann, 2009). Such approaches and investigation contribute a variety of

[REDACTED]

[REDACTED]

valuable data that may inform and guide discussions relating to the conflict between hate speech and free speech online. In the examination of the existing research, this study has identified an underrepresentation of qualitative research addressing the feelings, perceptions and concerns of people who are affected by the issue. To provide an alternative perspective to the existing discussions, this study conducts focus groups and interviews with the aim to shed light on ‘the meanings individuals and groups ascribe to social problems’ that may arise regarding this issue (Creswell, 2014:2). This qualitative approach to research may complement existing document analysis, quantitative research, discursive and textual analysis by acting as a window into how real-life participants interpret the current regulation. The chosen method aims to provide an in-depth, complex understanding of the psychological factors that may be applied to existing theories and discussions regarding the evaluation of policies and actions in the current digital age. The case study of Harvey Price lends to the collection of specific detailed information about people with a disability as observed in a real-life setting. Participants are presented with Harvey Price memes to give them a visual representation of the form of abuse under discussion (Appendix 4). This may concretize the social challenges faced by regulators in protecting vulnerable participants online.

Due to the collaborative nature of internet memes, initially this study thought it appropriate to conduct focus groups and interviews (Katz and Shifman, 2017:839). However, subsequent to attempting a focus group, I found that participants found their interpretations and experiences with memes as personal. Their defensive responses to the reactions of other group members demonstrated participants’ fear of being judged by other group members. To ensure the presence and judgements of other participants would not have a negative effect on the results by encouraging participants to lie, this study conducted semi-structured, individual interviews. Adopting a semi-structured approach allowed room for spontaneous expression, observations and emotion while also providing an in-depth and contextualized account of participant

experiences and thoughts (Kitzinger, 1994:274). The allowance for such spontaneous expression meant I could explore issues raised by participants that were possibly unaddressed in existing discussions (Berg, 2009:109; Morgan, 1997). Complying with ethical protocol, participants were given an information sheet outlining the purpose of the study, their rights to anonymity, an explanation of how their data will be used and a declaration that the interview was audio recorded (Appendix 1). They were given the sheet a week in advance and were required to give written and verbal consent. The use of the recording device however, may be criticised for inciting an ‘observer’s paradox’. Explained by Labov (1973), this theory maintains the presence of a recording device may make interviewees more conscious of their responses and refrain from expressing their true insights (Labov, 1977). That being said, audio recording of the sessions allowed the interview process to remain unobtrusive while also allowing for a strict transcription of the data (Stewart and Shamdasani, 2015:40). The ability to revisit the data with fresh eyes, gave a greater chance of gathering multiple interpretations and a comprehensive understanding of responses (Bruner, 2004).

Interviews may be discerned as being deficient with its’ inability to yield ‘hard’ quantitative data, making it difficult for the research to summarize the data, or produce a ‘qualified’ scale that may represent a wider population. Additionally, the absence of focus groups may be interpreted as a limitation, with the study unable to observe group engagement with memes. However, the study’s attempt to conduct a focus group confirmed individual interviews as being better suited for the purpose of research. Overall, this study maintains semi-structured individual interviews as being the method most ‘consistent with the original purpose of the research’ to observe participant observations and reflections of memes (Stewart and Shamdasani, 2015).

Due to the size and scope of this research and to comply with the necessary requirements of the sample, this study thought it best to exclusively interview students and former students

currently working at the University of Leeds between the ages of 20-24 years old who are able to give independent consent to take part in the research. This paper recognizes the sample of participants as being limited to those who may afford resources such as smartphones and computers to access internet communication and who hold the necessary IT skills and knowledge to participate in communication online. However, in the attempt to record a range of reflections within this category, this study approached seven students of different backgrounds, origins, abilities and disciplines. To include the valuable reflections of those directly affected by the issue of disablist speech online, this study contacted the Liberation Disability Coordinators at the University of Leeds. This opened up the research to reflections from students who live with a physical disability and students who have siblings living with intellectual disabilities.


Section 3.2: Abductive Grounded Theory

The data gathered in the interviews was approached as a window into the critical analysis of the regulation of memes online. Negotiating the data through theoretical framework by investigating existing theories against real-life observations allowed for the discovery of three themes: Memes as a fundamental tool for casual online communication; hierarchy of minorities, and memetic culture and online infrastructure cloaking derogatory disablist language.

Using grounded theory to analyze the data allowed consideration for respondent's logic as well as academic theories, giving the research a nuanced, 'full picture' (Morris, 2015:134., Stewart and Shamdasani, 2015:40., Bloor, et al. 2001., Liamputtong, 2011). Although a popular theory for analyzing data, some researchers criticize grounded theory for developing theories inductively, rather than through robust analytic frameworks (Timmermans and Tavory, 2012).

In light of this limitation, this study complemented grounded theory with an abductive approach. With induction seeking facts, deduction seeking rules and abduction seeking ‘a situational fit between observed facts and rules’, abduction bridges inductive and deductive hypothesis (Peirce, 1958:217-218; Timmerman and Tavory, 2012). Abduction engages the data with existing theory, providing careful methodological steps of ‘revisiting, defamiliarisation and alternative casing’ (*ibid*: 167). Revisiting the data in this way, provides conditions to enrich the data with alternative casing. Alternative casing is the sorting of data into various theoretical frameworks with codes and categories (*ibid*). While transcribing the data, reflections of participants were coded into categories (Strauss and Corbin, 1990). After which subcategories were identified, leading to the discovery of relevant concepts (*ibid*). Each interview was transcribed, analyzed and compared with earlier data before carrying out the next interview (Glaser and Strauss, 1967). This allowed for the succeeding interviews to become more focused and in-depth. Applying this theory of analysis of the data enabled the study to reach the ‘saturation point’ relatively early on. The ‘saturation point’ is the point in which, responses of participants can be anticipated. This point was reached after seven individual interviews, bringing the field work to an end (*ibid*). Categories and subcategories were identified with a line-by-line analysis, broken down in parts, closely examined, and compared and contrasted against other themes. To produce a thorough analysis, each transcription was printed, and sections of participant answers cut out and assigned to specific codes and categories. This system allowed for any overlap in categories and subcategories to be detected. The size and scope of this research meant only notable quotes that ‘powerfully captured a particular sentiment’ that highlight key themes in the data are represented in the following sections (Morris, 2015:127).

Section 4.1: Memes as a ‘new language’ online



The daily use and exposure to memes stood out in the interview data, with all participants claiming to interact with memes daily online through tagging; sharing; sending them in private groups, newsfeeds; group chats, private message; ‘liked’/‘followed’ pages mostly on *Facebook, Twitter and BuzzFeed*. One participant in particular, expressed frustration with the extensive exposure to memes online as encouraging users to employ memes as an alternative to typing comments:


‘It’s frustrating in the sense that memes have become part of political discourse and they sort of replace actual discourse’

Contrasting this frustration with the majority of participants who commended memes for being an easy, convenient and speedy tool to communicate ideas and humour, highlighted an interesting quality of memes. Particularly striking in this section of the data, were the perceptions of participants who credited memes not only for their efficiency, but accuracy in conveying a message:

‘It seems more like a snapshot of like an emotion, or a thing you want to convey.. Sometimes when you want to type it out, it doesn’t feel as funny anymore’.

This perception introduces a deeper layer to the meaning, importance and nature of memes in communication online, in which the use of memes renders a quality to the conversation, which is said to be otherwise lost in the typing out of the expression. Detection of this loss suggests memes add another dimension, or aspect to communication online. Subsequent to this observation, the success of memes to communicate a specific emotion, or thought suddenly became apparent in other responses, with participants expressing:

“If there’s a meme that relates to a certain situation, or person then I think it adds a kind of level of... Intimacy? That sounds strange, but yeah it shows like ‘this is you’ kind of”



If presented with this insight, Travers (2014) would argue that engaging with this ‘non-rational dimension of thought’ enables users to ‘resonate’ with the feelings of others resulting in memes converting ‘distance into intensity and self-relation’ (Travers, 2014:316). While this might possibly be the case, it must also be considered that the preference for users to replace words with memes might just be for the image-text form making communication novel, efficient and convenient for a wide audience to use them daily. This possibility may be supported by the following observation:

“It’s a good point of communication being like “oh I’m still thinking about you”, without it being too much effort and energy to have a conversation”

The act of replacing words and discussion with memes reflects the issues found in the literature of memes creating a new type of language online to communicate emotions, humour, ideas, knowledge and ideologies. Additionally, the daily use of memes in this way reflects Lever’s (2013) point of memes becoming a core part of online culture. The mentioning of ‘culture’ brings to light a further observation in the data:

“well a lot of them that I would be sending to my friend wouldn’t be got by a lot of people as it’s sort of based off similar interests and shared values and stuff”.

Revealing this careful interaction with memes suggests the possibility of an ‘appropriate conduct’, or ‘manner’ to using memes online. In expressing how memes cannot just be sent to anyone but must be targeted and only sent to certain individuals with specific ‘interests’ and ‘values’, proposes the possibility of memes possessing a degree of exclusivity to them. Such experiences may be compared with Kat and Shifman’s (2017) theory of memes working as a ‘social glue’ for particular groups to interact. Supporting this comparison:

[REDACTED]

[REDACTED]

“I probably wouldn’t share some of the memes I send to him with.. Other members of the friendship group, or the public (laughs) some people might not appreciate it”

The participant’s articulation of the word ‘*appreciate*’ arguably, suggests some memes might offend others and therefore, make it inappropriate to share them with a wider audience. However, there is also the possibility that the participant would not share the meme for other reasons such as, because he would not receive the reaction he desired. This particular participant continued to disclose how he had ‘*purely meme-based conversations*’ with certain friends, further supporting the theory of memes being a new language to communicate emotions, beliefs and ideas online. The presence of meme pages on Facebook reflect this theory by connecting people of similar interests, attitudes and beliefs through ‘likes’. The interview data describes this sense of community:

“I think the novelty about it is the sense of like ‘oh other people do this too’”

So far memes have been discussed as to how they might foster community. However, there is also the possibility of memes being exclusive to a certain extent. Interview data discusses this in light of certain cultures and norms:

“My mum like, loves Reddit, but I don’t find that stuff funny, so I think there’s definitely a different of being in a certain culture and set of norms really”

Setting out the existence of ‘*a set of norms*’ and how they vary across generations introduces the idea of numerous ‘meme generations’ that adopt different ‘*norms*’ and ‘*rules*’ to rate, create and interact with memes. Dismissal of a meme, or avoidance of certain ‘meme group’ for their sense of humour implies a degree of exclusivity, or segregation in the meme community. Katz

[REDACTED]

and Shifman (2017) describe this as ‘cultural capital’ of ‘unwritten rules for proper meme-related conduct’ enabling users to ‘differentiate members from non-members’. That being said, this study acknowledges how memes are not the only tool used in online communication that contribute to online culture. However, the data in this study proposes that their presence online is becoming increasingly influential in how people express their emotions, beliefs and thoughts in intimate and widespread ways. Establishment of sites such as ‘*KnowYourMeme*’ and the *Reddit* stock exchange for memes ‘*Nasdaq*’ support this argument. With ‘*Nasdaq*’ fueling the Meme Economy with their stock representing the value of memes based on their expected success to become viral online.

As reported in the expressions above, the ultimate success of memes relies on the quality of humour. While in most cases humour is seen as a positive by participants, by ‘adding a bit of humour’ to conversations online, one participant shares concern about the meme-humour:

“I think if hate was blatant it should be removed, but because it’s got an air of humour and a softer approach of making fun of someone it’s just kind of accepted...?”

This ‘air of humour’ and ‘softer approach’ reflects the issues raised in Topinka(2018) of the meme community disguising, or ‘cloaking’ harmful content by ‘repositioning it as humour’. While this may be the case, it must be acknowledged how such disguises of harmful content are also in other forms of jovial communication online and offline and therefore, may not always be taken as an offensive comment. However, as demonstrated above memes can be viral in nature, used daily to replace typed comments and representative of ‘cultural capital’ and social glue online. Having disablist content being ‘cloaked’ as humour may raise concern with intellectual disabled persons who may have difficulty identifying subtle disablism in humour and therefore, make it difficult for them to defend themselves from this speech. With

memes being regarded as a humorous expression, it may be possible for users to assume every meme is meant as a joke and therefore, may more readily accept disablist memes as 'just a joke'. While there may be other forms of communication and everyday convivial conversation involving offensive jokes online and offline, with this data reflecting memes as a 'new language', or 'cultural capital' and 'social glue' online that is intimately and widely spread, there may be cause of concern of disabled persons feeling marginalized in this communication form.

Section 4.2: Hierarchy of Minorities

Quickly becoming apparent in the interview data was the presence of a hierarchy of minorities in which there was a tendency for participants to focus on hate speech of racist, sexist, xenophobic and anti-Semitic nature. This indicated an overlook of ableism issues, further supported by many participants being unfamiliar with terms such as 'ableist', 'disablist', or 'handicapist' to describe hate speech targeting people with a disability.

'um I don't even know what the term is against disabled people, I don't think there is one..? There's not even a term for it!'

Unknowing of the correct terms coupled with the majority of participants overlooking disablism as a form of discrimination online, suggests the possibility of ableism being given less attention by some users online than other forms of discrimination such as race, gender, sexuality and religion, mentioned more readily in interviews. While the data gathered in this study reflects this, perceptions of these seven participants may not be representative of all users online. Furthermore, this perception may be challenged with the conviction that people may not mention ableism for the reason that they simply do not come across disablist content online often. While this may be true in some circumstances, when asked, every participant had seen

numerous Harvey Price memes. Mentioning this example of disablist memes prompted participants to reflecting on other encounters they had had with disablist memes online. In failing to recognize such forms of speech as disablist, suggests a tendency for the participants to ‘gloss over’ disablist speech. ‘Glossing over’ disablist speech could suggest an absence of shock to expressions such as ‘retard’ or ‘spaz’. Following this logic, we may consider the potential of disablist language being normalised and used casually in everyday conversation online. While this may be the case, there is also the possibility that users ‘gloss over’ this content for the simple reason that they are generally cynical about content that is disseminated and created on the internet. This does not however, undermine the importance of raising awareness of disablism to encourage able-bodied users to defend disabled persons online and report disablist content.

Subsequent to detecting this tendency, succeeding participants whom were more affected by ableism, either for being physically disabled themselves, or having siblings of intellectual disabilities expressed their upset with the casual use of disablist terms online:

“It’s just taken as a joke, no one takes the words seriously. Like, when I call people out on it, they say like ‘I’m just joking.. Or I’m just messing, or it’s just a phrase’”

Matching this observation, a participant claiming to enjoy Harvey Price memes argued:

“Well someone might make a meme, or show a meme, but they don’t actually have that opinion. Well people will find it funny, d’you know what I mean?”

This impression overlaps with the section above emphasising the use of memetic humour to cover derogatory language. If we were to follow this logic, the data gathered reflects Deal’s (2006) theory of ‘aversive disablism’, a form of subtle prejudice towards people with a

disability. While memes might cloak disablism through humour that does not entail that individuals are intentionally perpetuating disablist language online, as spreading of this speech may be done out of ignorance of the weight their actions might have on others.

Reflecting both a lack of understanding of disablist language and an expression of frustration with other users online, who are oblivious to the weight of disablist speech, this data uncovers conflicting sentiments of participants online. Their point of commonality however, is that they both support the argument to raise awareness and education of disablism in society, as done for racism, sexism and religious discrimination. This reading of the data is what led this study to the idea of a possible hierarchy in minorities.

Discussing this issue with a participant who had a sibling with intellectual disabilities supported the theory of a hierarchy in minorities:


“So I would say like physical disabilities.. Like you would never dare be offensive to someone in a wheelchair”

Drawing on the spectrum of disabilities, this participant introduced the possibility of there being certain disabilities that are more targeted than others. This point is further emphasized by the participant:

“Sometimes they are actually more vulnerable because they don’t necessarily have a platform to stand on...? And they might not even know they are being discriminated against!”

Discussing the importance of protecting people with intellectual disabilities for the reason that they cannot always protect themselves, strengthens the importance of able-bodied users to act in their defense online. To do so, users must first be provided with the knowledge of why they should be reporting this form of speech, instead of passively accepting them as a joke.

This study ascertains that the observations of participants in this data may reflect them having less knowledge on the history of disablism than they do on racism, sexism and Anti-Semitism.



In studying the history of these forms of discrimination, they have been able to recognize this discrimination online by understanding why they are not just words, but words that carry weight and history. As of yet, the data gathered in this study suggest a hierarchy in minorities, with the participants demonstrating to give more attention to other forms of discrimination. Concluding this section, this study calls for greater effort in society to raise awareness of disablism offline and online. Doing so may prompt users to recognize their responsibility to report disablist content online and reduce instances of such attitude spreading.

Section 4.3: Memetic culture and disablism online

Examination of how and with whom participants used memes led to the discovery of an interesting insight:

“Some memes I send to friends, I definitely wouldn’t retweet or post on Facebook, or share them. I think people would judge me”

This perception is interesting, as it reveals an awareness of two issues, the first being the public nature of sharing as opposed to sending in private message. The second issue being the awareness of what is unacceptable to share. This insight is promising in terms of disablist speech. Refraining from sharing content reveals a certain degree of consciousness online. In disclosing the sentiment *“I think people would judge me”* this data challenges the PRISM 2014-2016 report that users lack consciousness and responsibility by being physically divorced from the target of their speech and judgement of others. Rather than sharing to a wider audience, this participant chooses to send memes to a selected friend that would ‘*appreciate*’ the meme:

“I probably wouldn’t share some of the memes I send to him”

While it is promising that this participant shows a degree of consciousness of his actions online in choosing not to share some memes with a wide audience, in sending them to his

friend he could arguably, be participating in feeding disablist attitudes in certain spaces. By sending and sharing this content with other users of similar discriminatory humour, it is possible this behaviour might reinforce discriminatory attitudes. That being said, discriminatory comments and jokes are not limited to online meme culture but are expressed offline as well. There is however, a crucial difference in the nature of offline and online speech, noted by several participants:

“I dunno.. I feel it’s just less common offline.. I think it’s because you’re more likely to get called out on it”

Articulating this, demonstrates how some participants were aware of the differences in the conditions of online and offline speech and how such conditions could influence how certain jokes were responded to in public. With offline conversations involving disablist speech having a greater risk of being ‘*called out on*’, and private conversations online having less of a risk of such confrontation. Arguably, continuation of this speech online raises concerns that private and convenient conditions facilitating a risk-free space of confrontation for expression of discriminatory attitudes might contribute to reinforcing discriminatory views in certain online spaces.

Most participants described the process of creating a meme as taking ‘*too much effort*’ or ‘*too much time*’ and so limit their use to retweet or share them. Several participants working in marketing said they used memes at work, explaining how they are useful in ‘*getting engagement and getting people’s attention*’. Using memes in this way supports theories of memes being a valuable tool to increase public engagement (Katz and Shifman (2017);Topinka (2018);Yoon (2016);Vickerey (2013);Cheong and Lundry, 2012).

In response to the Harvey Price photos, several participants defined memes as an ‘*image out of context*’:

“These pictures.. they’re just ones that have been taken of him, probably without him knowing.. And so it kind of makes it even worse”

Interestingly, this participant expresses the ‘out of context’ nature as being more hurtful to an individual, and continue their thoughts further commenting on user behavior in this ‘*out of context*’ space:

“people saying it are just like ‘oh but I didn’t mean it like that it’s because online so many things are taken out of context”

Picking up on some of the themes in the literature, this data supports Levmore and Nussbaum (2010) theory of the lack of ‘relevant context’, being used to cloak harm. While this data supports this aspect of their argument, it may not be extended to their conviction that users intentionally select and frame information to inflict harm. While it is possible that some users might do this, this data proposes users to participate in this speech out of ignorance for the implications of their actions on the disabled community online:

“Uhm I guess I feel it’s less bad, it’s more like a general statement or whatever if you get me”

Another participant explores unconsciousness further, maintaining:

“online you’re like on your own, and so you’re not conscious about any immediate consequences. Also you can have like anonymous accounts, so in theory there’s no way to trace it back to you”

Contradicting the insight above ‘*I think people would judge me*’, this participant detects feelings of detachment and unconsciousness online, suggesting anonymity as playing a key role in the lack of consciousness. While this may be the case for this participant, it may not be applied to all users. Assuming this is the case for everyone online may threaten the

[REDACTED]

safeguarding of anonymity and undermine the role it can play in civic engagement. Rather than asserting blame on anonymity for encouraging disablist speech online, it may be worth considering the possibility of anonymity being used to protect users who wish to resist disablist speech online and defend disabled persons.

Participants who expressed detestation of disablist speech claimed to consciously construct their newsfeed in a way that would decrease the chance of them being exposed to disablist language.

“I have quite a lot of people that I know very well, but I also just don’t like their opinions, or views, so if they send me a friend request I just don’t accept them. Because I just don’t need that”

“Like I just avoid it, also I’m just not interested, but I know I would see a lot on Reddit that I don’t-like-that’s not gonna make me happy”

Other techniques to avoid disablist speech included ‘scrolling past’. With the intention to reduce their chance of coming across disablist speech online arguably, this raises concerns that those who are able and ready to defend disabled persons do not expose themselves to disablist content online and therefore, are unable to report it. To further understand reasons for avoiding disablist speech, one participant, shared their experience of resisting disablist speech in the past:

“it’s like Piranhas when they get a bit of meat it just takes one comment and you’ve got like ten people arguing against you”

Describing how the ‘swarm’ of attackers deterred them from continuing to defending disabled persons online, raises concerns for the disabled community online. Several other participants ascribed their hesitancy to report instances for their skepticism in the efficacy of ‘flagging’ or reporting tools offered by internet platforms:

[REDACTED]

[REDACTED]



“I’ve seen I can flag stuff, I’ve never flagged anything on Facebook because I think I’ve never exposed to myself to anything worth flagging, also like I just don’t think it’ll do anything”

Reflecting on responses in this data is arguably concerning, as participants who are able-bodied users, in dissent of disablist speech and willing to defend disabled persons, express how the ‘swarm’ of attackers and their a general skepticism in the efficacy of the self-regulatory tools offered by platforms deter them from defending disabled persons online. As a result, they rely on and adopt various methods to avoid encountering disablist content online.

Section 5.1 **Summary of findings**

Consulting with academic literature in the critical analysis of interview data this paper discovers: participants to use memes as a ‘new language’ online; a tendency for participants to refer to a system of ‘hierarchy in minorities’ when assessing discriminatory content online and finally, a general skepticism in the efficacy of ‘flagging’ and reporting mechanisms offered by platforms.

While there may be other forms of communication and everyday jovial conversation involving disablist jokes offline and online, the spreading of disablism on a media form that has been argued in research and reflected in this data as being widely disseminated, used daily and having created a ‘new language’ online has raised concern in this study. The nature of memes as reflected in the data additionally highlights memes as playing a core part in online culture by being used in casual everyday conversation, in business as tools for engagement, and in the conveying of emotions, humour, ideas, knowledge and ideologies, in intimate or widespread ways.



The lack of education and awareness of disablism in participants in the data gathered has been argued in this paper as having contributed to the continuation of disablist speech online. Situating this lack of knowledge and awareness in the infrastructure of online platforms and memetic culture has arguably contributed to this continuation by facilitating users who are uninformed on the heritage, weight and true meaning of disablist language with an ‘out of context’ setting, ‘cloak’ of humour, anonymity and the ability to send certain messages in private message, groups or pages in a risk-free space of confrontation of discriminatory view. Coinciding with this, participants who expressed being in dissent of disablist language shared their tactics to avoid such speech by carefully constructing their newsfeeds to navigate their way around disablist spaces online. Meaning that those who are willing and able to come to the defense of disabled targets do not encounter disablist speech and therefore, cannot confront it. In addition to this, participants in dissent and exposed to disablist speech expressed how they were discouraged to report hate online for the ‘swarm’ of attackers online and their lack of confidence in the efficacy of the self-regulation flagging tools on platforms.

This study ascertains this research as not only relevant to the disabled community but connected to the wider issue of hate speech targeting all minorities. The lack of reporting of such instances and continuation of spreading such attitudes in private messages, groups, or pages raise concerns that rather than tackling disablist speech by implementing reporting and flagging tools, the online infrastructure and memetic culture discourage users from resisting disablist speech. As presented in the interview data and other academic research, the presence of disablist speech online may have serious consequences on how the disabled community are able to use the Internet (Burch, 2017).

Section 5.2: Possible Recommendations

In light of these issues, this paper calls for academic research and policy to give more attention to disablist speech online and proposes for stricter enactment of Article 8 "Awareness-Raising", set out by the United Nations in the Convention on the Rights of Persons with Disabilities (CRPD). An Article holding councils responsible for raising awareness in the public and encouraging users to monitor and regulate spaces online according to their judgment. Despite the critics of self-regulatory tools burdening the public with monitoring speech online, this study finds the benefits of self-regulatory systems to allow users to judge hate according to "community guidelines" and the examples put forward by literature of memes instigating civic engagement outweighing this drawback (Crawford, 2016). Following this line of reasoning, this study introduces the possibility of users acting as agents to resist hate speech and oppression by pushing back with counter-performances and counter-discourse online. Encouraging users to exercise self-regulatory mechanisms to monitor and regulate disablist speech according to "community guidelines", this proposal aims to respect the balance of the basic human rights of Article 10 and Article 14 of the ECHR.



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