

**Inciting violence: The influence of UK political party
campaigns and British tabloids on the motivation and
responses of readers during the EU referendum:
A contribution to Hate Crime?**

by

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ABSTRACT

This thesis seeks to contribute towards existing academic research on hate speech, with a specific focus on the reporting by British tabloids and the rhetoric of UK political party campaigns, in the lead up to the European Union Referendum. The main theme of this study centres on whether their extensive reporting and negative rhetoric surrounding immigration and migrants, influenced the motivation and responses of readers to carry out racial violence. By negatively portraying migrants, it is argued that the British tabloids and UK political parties stirred up racial hatred and consequently contributed to hate crime. This thesis considers the question from a conceptual perspective and engages with newspaper articles published in the lead up to the EU referendum. The rhetoric of some UK political party campaigns during the EU referendum is also examined. Additionally, this study documents the concerns raised by leading academics regarding the suggested ‘hate speech’ that was articulated by the British tabloids and UK political parties in the lead up to the EU referendum vote. Official UK data on recorded hate crime is also considered, highlighting whether any specific ‘spike’ in hate crime occurred in the lead up to the EU referendum vote.

A key point of this study argues that during the EU referendum racial hatred was ‘stirred up’ through harmful political party rhetoric and the negative depiction of migrants by the British tabloids. In order to give a balanced perspective consideration was given to what the law states regarding hate speech alongside a person’s right to freedom of expression. This thesis further contributes to existing research on whether current UK legislation relating to hate speech is sufficient to limit hate action; especially as no prosecutions have been brought against any British tabloid or UK political party with regards to their questionable conduct during the EU referendum. Concluding, this study highlights that whilst current UK legislation regarding hate crime appears to be sufficient to limit incitement to violence, the interpretation of hate crime in action is currently an issue.

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INTRODUCTION

The European Union (EU) referendum took place in the United Kingdom on Thursday 23 June 2016. All British, Irish and Commonwealth citizens were eligible to vote on the UK's future membership of the European Union (EU)¹. The result of the EU referendum saw fifty one percent of voters choosing to leave the European Union.

This thesis argues that the extensive reporting by the British tabloids and the negative rhetoric of political party campaigns regarding immigration and migrants in the lead up to the EU referendum may have stirred up racial hatred. Therefore, the focus of this study is to establish whether in the lead up to the European Union referendum, UK political parties and British tabloids influenced and motivated the responses of readers to commit racial violence and consequently contributed to hate crime. To establish if any 'spike' in hate crime occurred, consideration is given to official UK statistical data on recorded hate crimes. This data is analysed to determine if any actual 'spike' in hate crime transpired in the lead up to and or just after the EU referendum vote. Whether any recorded spike in hate crime corresponded with the rhetoric of UK political party campaigns and or the journalism of the British tabloids is also examined.

Firstly, to explain the leading complexities surrounding hate crime, this thesis begins by exploring the different definitions of Racism, Xenophobia and Hate Crime from the perspectives of leading academics. For instance, Nathan Hall² states that Boeckmann and Turpin-Petrosino³ sets the scene by saying, *'There is no consensus among social scientists or lawmakers on definitional elements that would constitute a global description of hate crime ...'*.

¹ Government, 'Topical Events', (EU Referendum, 17 November 2016) <<https://www.gov.uk/government/topical-events/eu-referendum>> accessed 1 September 2019

² Nathan Hall, *Hate crime* (Cullompton: Willan, 2005)

³ R J Boeckmann and C Turpin – Petrosino, 'Understanding the harm of hate crime', (2002) *Journal of Social Issues*, 58(2), 207-25, cited in Nathan Hall, *Hate Crime* [2005], 2.

However, in the United Kingdom legislation does have a distinct definition of hate crime. For instance, The Crown Prosecution Service (CPS)⁴ states that the term ‘hate crime’ may be used to describe a range of criminal behaviour where the perpetrator is ‘*motivated by hostility or demonstrates hostility towards the victim's disability, race, religion, sexual orientation or transgender identity*’⁵. Moreover, the CPS explains how a hate crime can include threats, verbal abuse and harassment⁶.

Following on, attention is turned to UK domestic legislation governing Hate Speech such as, the *Crime and Disorder Act 1998 (UK)* (CDA) and the *Public Order Act 1986* (POA). For example, Section 28 of the *Crime and Disorder Act 1998* states that, if the offender at the time of, or immediately before or after, demonstrates hostility towards the victim, based on the victims membership of a racial group, or motivated by, then this satisfies the meaning of a racially aggravated offence. Whether in the lead up to the EU referendum the campaigns led by UK political parties and or the reporting by the British tabloids were ‘*motivated by hostility*’ or ‘*demonstrated hostility*’ (based on the victims membership (or presumed membership) of a racial or religious group)⁷, is an important question to establish. By answering this query, this study seeks to conclude if current laws surrounding hate speech are enough to limit hate action.

Importantly, it is the *POA 1986* that is highly relevant to this research. Under Section 18 it is an offence to use ‘*threatening, abusive or insulting words or behavior if the person intends to stir up racial hatred OR having regard to all the circumstances racial hatred is likely to be stirred up thereby*’⁸. Therefore, establishing if there is any substance in suggestions by academics and others, that through their journalism and campaigns, they may have encouraged

⁴ The Crown Prosecution Service < <https://www.cps.gov.uk/hate-crime> > accessed 1 September 2019

⁵ The Crown Prosecution Service (n 4)

⁶ It can also include, intimidation, assault and bullying, as well as damage to property

⁷ The Crime and Disorder Act 1998, s 28.

⁸ The Public Order Act 1986, s18

readers to perpetrate random acts of racial violence, is crucial to this study. An example of reader responses is given by leading academic Jon Burnett. A writer on domestic race policy in the UK Burnett writes that, '*the referendum result was taken by some as an affirmation that the country was not only now 'theirs', but it was theirs 'again'*'⁹.

Furthermore, Dr Mike Berry, a lecturer from Cardiff University, suggests that '*audiences have been more exposed to arguments against the EU than those in favour and that immigration reporting in the tabloid press has been extremely negative with steady stories of immigrants 'sponging' off the welfare state*'¹⁰. Dr Berry states that reporting on the European Union by the tabloids has been '*unequivocal in its hostility*'¹¹. Whether such harmful speechmaking and negative journalism created a dangerous environment for migrants is strongly considered. Section 4 of the *POA* 1986 is significant to this study as it sets out the offence of using '*threatening, abusive or insulting words or behaviour that causes or is likely to cause, another person harassment, alarm or distress*'. Consequently, this thesis contemplates whether in the lead up to the EU referendum vote, political party campaigns and the reporting by British tabloids used 'threatening words' that caused or was likely to cause 'alarm' or 'distress', contrary to UK law.

In order to give a balanced perspective though, it is necessary to reflect on UK legislation governing freedom of expression. Focusing on Article 10 of the *Human Rights Act 1998* (HRA)¹² is particularly important to this research as freedom of expression is often cited as a

⁹Jon Burnett, *Racial violence and the Brexit state*, [2016], London Institute of Race Relations: London: Sage.

¹⁰ Mike Berry, 'Early reflections from leading UK academics'. *EU Referendum Analysis 2016: Media, Voters and the Campaign*, [2016] 14.

¹¹ Berry (n 10) 14.

¹² The Human Rights Act 1998

defence when accusations of hate speech are made. However, whilst under Article 10 everyone has the right to freedom of expression, the exercise of this right is not without restriction and carries with it duties and responsibilities¹³. Therefore, if the evidence demonstrates that the British tabloids and or UK political parties blatantly incited racial violence under the guise of freedom of expression, consideration must be given to their culpability regarding inciting racial hatred. Whilst Article 10 of the *HRA* is the focus of this study, reflecting on Article 19 and 20 of the *International Covenant on Civil and Political Rights*¹⁴ (ICCPR) gives an international perspective on the topic.

As a final point, this thesis concludes with a narrative surrounding a discussion on to what extent the law addresses the type of ‘hate speech’ articulated by the British tabloids and UK political parties in the lead up to the EU referendum; and whether current UK laws are enough to restrict hate action. Thought is given to their accountability and responsibility and discusses whether they crossed the threshold of criminality with regards hate speech legislation. The idea that their combined conduct potentially encouraged hate action is debated. If the British tabloids and or UK political party campaigns ‘stirred up’ racial hatred, an offence under the *POA 1986*¹⁵, then consideration must be given to the lack of prosecutions surrounding hate speech in the lead up to the EU referendum. Likewise, if UK political parties and the British tabloids breached their duties and responsibilities under Article 10 (2), then further thought is necessary regarding the fact that authorities should have restricted their rights to freedom of expression¹⁶.

¹³ HRA 1998 (n 12)

¹⁴ United Nations Human Rights, ‘International Covenant on Civil and Political Rights’ <<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>> accessed 1 September 2019

¹⁵ The Public Order Act 1986 (n8)

¹⁶ The Human Rights Act 1998, sch 10 (2)

METHODOLOGY

This study uses a conceptual and quantitative approach to examine whether the British tabloids and the campaigns led by UK political parties contributed to hate crime in the lead up to the EU referendum. The question analyses their conduct concerning their negative speechmaking and questionable journalism during this time. By doing so, this research aims to give further insight into whether current hate speech laws are sufficient to limit incitement to violence. Consequently, this enables the further question to be answered regarding the accountability and responsibility of the British tabloids and UK political parties regarding whether their conduct crossed the threshold for prosecution regarding enticing hate action.

Firstly, this method considers ‘spikes’ in hate crime during the EU referendum. Official UK data on reported Hate Crime is analysed in the period prior to and during the EU referendum. Gathering this data through the Home Office online Statistical News Release¹⁷ gives substance to this exploratory research. The data examined from the Home Office provides statistical information relating to daily and monthly results, covering England and Wales up to August 2017¹⁸. This information is restricted to racial and religious hate crimes which include racially or religiously aggravated assault with injury and without injury¹⁹. The one flaw in the data is that it refers to reported crimes and not confirmed crimes. However, by centring on historical statistics spanning the past five years, specifically focusing on whether any ‘spike’ occurred, gives increased weight to suggestions that a rise in hate crime may have been influenced by the adverse behaviour of the British tabloids and UK political parties. Alternatively, the idea that

¹⁷ GOV.UK, ‘Official Statistics’, Hate crime, England and Wales, 2016 to 2017 <<https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2016-to-2017>> accessed 1 September 2019

¹⁸ GOV.UK (n 17)

¹⁹ racially or religiously aggravated criminal damage, racially or religiously aggravated public fear, alarm or distress and racially or religiously aggravated harassment.

a spike may simply correspond with a rise in reported crime is also documented. This assumption that a ‘spike’ transpired allows consideration to be given as to whether current legislation governing hate crime is adequate to limit hate action.

Next, this thesis considers the theoretical definitions of Hate Crime alongside the leading academics views on the topic. Concentrating research on known hate crime theorists and current academic journal articles allows for different perspectives on this often volatile subject. With regards to this dissertation, hate crime has been extremely important for policy makers, especially after the Stephen Lawrence inquiry in 1999²⁰. The report by Sir William Macpherson saw important changes made to current legislation on hate crime, with Macpherson making 70 recommendations, 67 of which have led to specific changes in law and practice²¹. Giving thought to definitions allows this study to further explore how UK legislation defines when an act may constitute a hate crime.

Existing literature has drawn attention to several key areas needing further investigation with regards to the effects of toxic speech and negative journalism on reader’s responses and motivations. One area relates to the statistical data produced by the UK Home Office which has already been highlighted above. Secondly, interest has been drawn to the negative rhetoric of UK political parties and individual politicians during the EU referendum. Therefore, a review of political party conduct in the lead up to the EU Referendum vote will be made using academic journals, books, and newspaper articles. By concentrating on already recorded statistics of hate crime, and consequently comparing them with any potential ‘spike’ after the result was confirmed, may support the idea that the conduct of political parties ‘*stirred up*’

²⁰ GOV.UK, ‘The Stephen Lawrence Inquiry’ < <https://www.gov.uk/government/publications/the-stephen-lawrence-inquiry> > accessed 1 September 2019

²¹GOV.UK (n 20)

racial hatred (an offence under the *Public Order Act 1986*), in the lead up to the EU referendum vote. Using the same method, an examination is also conducted regarding the oratory of individual politicians to determine whether their negative speech making was aggressive in its delivery and aimed specifically at migrants entering and living within the UK. Evidencing that such speech was contrary to Hate Speech legislation is of great concern as such behaviour may have crossed the threshold of criminality regarding hate speech laws. Further thought is then given to whether such laws are sufficient to limit hate action.

Another key area of concern was the negative reporting by the British tabloids of migrants and the subject of immigration, together with their interpretation of UK political party campaigns in the lead up to the EU Referendum. Consequently, this study accesses online sources and newspaper articles to analysis press coverage of individual party campaigns, with firm concentration on the balance of reporting of topics such as immigration and migrants. Whilst it cannot be proven that the British tabloids deliberately targeted migrants, research has revealed that coverage of immigration and migrants was severely unbalanced. Therefore, this interdisciplinary approach is important to establish whether the actual journalism by the British tabloids potentially influenced the motivations and responses of readers and by doing so incited racial violence. If any link exists between their negative portrayal of migrants within British society and a rise in hate crime, thought must be given to the journalistic writings by the British tabloids, during any future popular vote.

Analysis is also given to Hate Speech laws alongside Freedom of Expression legislation, including its limitations. Current domestic and international legislation is considered to enable a thorough explanation of the complexities surrounding the topic of hate crime and to seek to answer the above research questions with a balanced approach. It is particularly important to consider a person's right to freedom of expression, against the prohibition of incitement to

hostility or violence to see where they may lack effect. Firstly, the research lends itself to consideration of current UK laws surrounding incitement to violence and whether they are sufficient to limit hate action. The added benefit of conducting research into offenders of Hate Speech legislation, is that thought can also be given to the limitations on Freedom of Expression; thus allowing future legislators to consider the impact of Human Rights laws on victims of hate speech. Secondly, this study offers up a potential consideration to those who seek to hide behind such legislation, which is to disallow any type of immunity from prosecution for those that purposely encourage racial hatred whilst citing freedom of expression.

Next, a broad examination of the accountability and responsibility of the British tabloids and UK political parties is contemplated. Evidence is gained through academic papers, journal articles and actual facts relating to political party campaigns and tabloid journalism. This thesis also examines the poster unveiled by a UK political party during the EU Referendum to determine its significance with encouraging hate action. Focus is particularly given to what the current law states regarding 'hate speech' in order to explore further the methods adopted by political parties and the British tabloids in the lead up to the EU referendum vote. Thought is also given to whether the evidence exists to show that the British tabloids and political parties crossed the threshold of prosecution under hate speech laws, and consequently should be brought to justice for inciting racial hatred. This conceptual research helps to develop ideas for an in-depth study regarding the negative influence that political parties and the tabloids may have on reader responses, especially during any popular vote. The results of this thesis could be added to any future research on the topic.

Finally, this study looks at whether current laws relating to hate speech are sufficient to limit hate action. Examining current legislation relating to hate speech alongside published academic

papers written post referendum, police reports, and known UK governmental statistics, a conclusion may be reached. This answer is vital so that any potential future review of Parliamentary responsibility during highly volatile events can evaluate the research already compiled within this study, specifically regarding the influence of negative oratory and journalism on the motivations and responses of readers. By doing so it would seek to protect the electorate from incidents of racial violence due to toxic political party campaigns and negative tabloid journalism during any future popular vote.

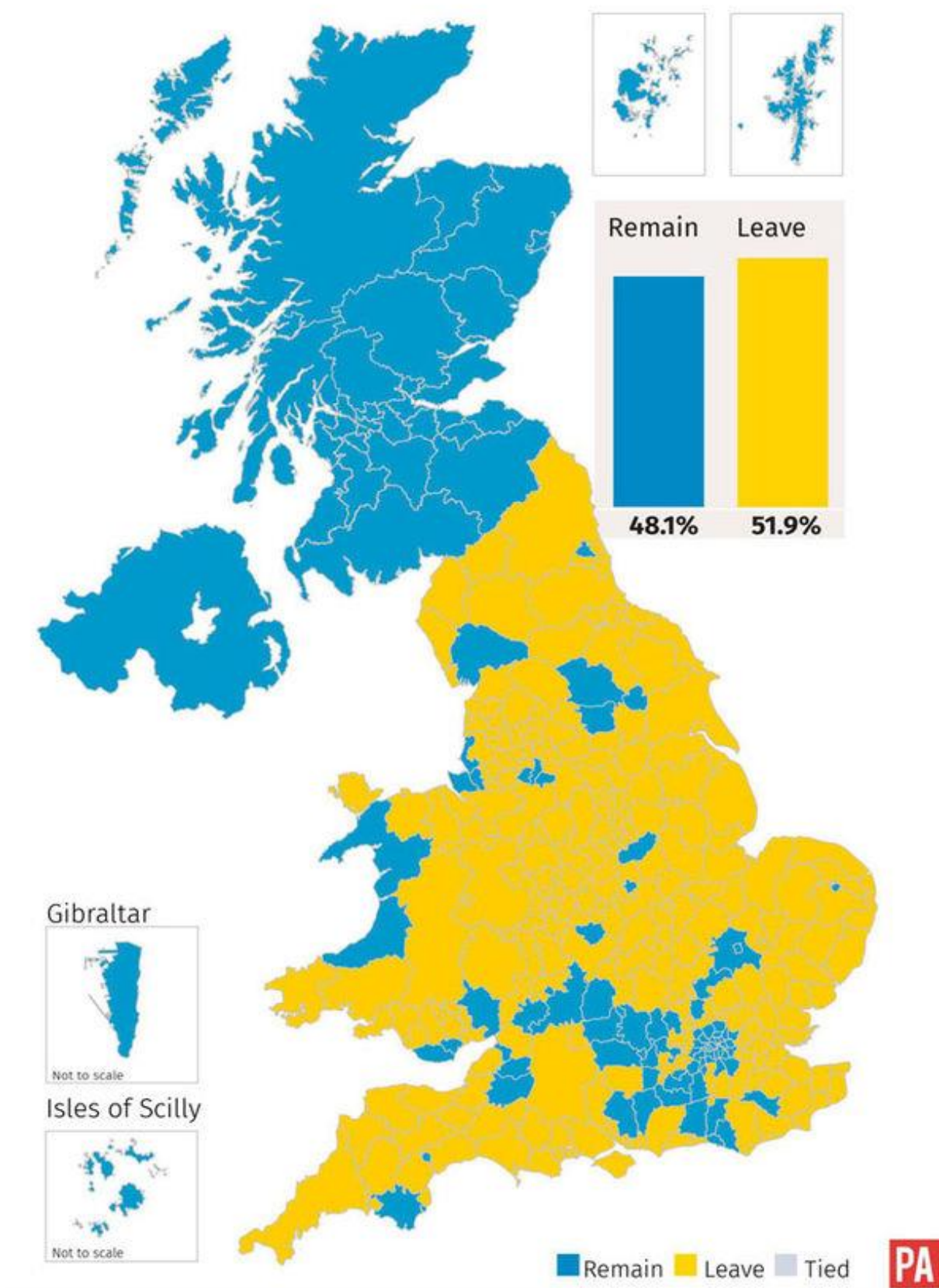


Figure 1: UK votes to leave EU - EU referendum results²²

²² BBC News, (20 July 2016) 'UK votes to leave the EU'
https://www.bbc.co.uk/news/politics/eu_referendum/results accessed 1 September 2019

LITERATURE REVIEW

The 2016 European Union Referendum

In 1975 Britain held its first referendum on its membership of the then-European Community²³. This referendum saw 67% of voters choosing to stay. David Butler and Uwe Kitzinger reflected on this result in that it was, '*an unambiguous public endorsement of Britain's continued participation in the Common Market*'²⁴, a level of support that was '*beyond the dreams of pro-Europeans*'²⁵. Fast forward forty-one years and the narrative has profoundly changed. On Thursday 23 June 2016 the people of the United Kingdom voted on its membership of the European Union. The question asked of the electorate was whether or not the UK should remain or leave the European Union. The subsequent result sent '*shockwaves around the world*'²⁶. The British people had voted 51.9 percent to 48.1 percent in favor of leaving the European Union.

The reasons surrounding voters' decisions to leave the European Union were engulfed in issues of nationalism and racism, amongst other factors. The British Exit or 'Brexit' as it is now known became embroiled in a fierce debate surrounding the nation's attitudes towards immigration, and the issue of racial intolerance. What was extremely apparent in the year leading up to the referendum was that UK political parties and the British tabloids used the topic of immigration with extreme negativity throughout the referendum campaign. For instance, political parties used the issue of immigration to gain the support of the electorate for a vote to leave and the British tabloids supported these campaigns through their journalism²⁷. Due to information gained from polling trackers in the lead up to the referendum result, UK

²³ Matthew J Goodwin and Oliver Heath, 'The 2016 Referendum, Brexit and the Left Behind: An Aggregate-level Analysis of the Result'[2016] Political Quarterly [Online] 87 (3), 323–332.

²⁴ Matthew J Goodwin and Oliver Heath (n 23)

²⁵ Matthew J Goodwin and Oliver Heath (n 23)

²⁶ Matthew J Goodwin and Oliver Heath (n 23)

²⁷ Loughborough University, 'EU Referendum 2016', <<https://www.lboro.ac.uk/news-events/eu-referendum>> accessed 1 September 2019

political parties and the British tabloids knew that immigration was a leading concern for UK voters.

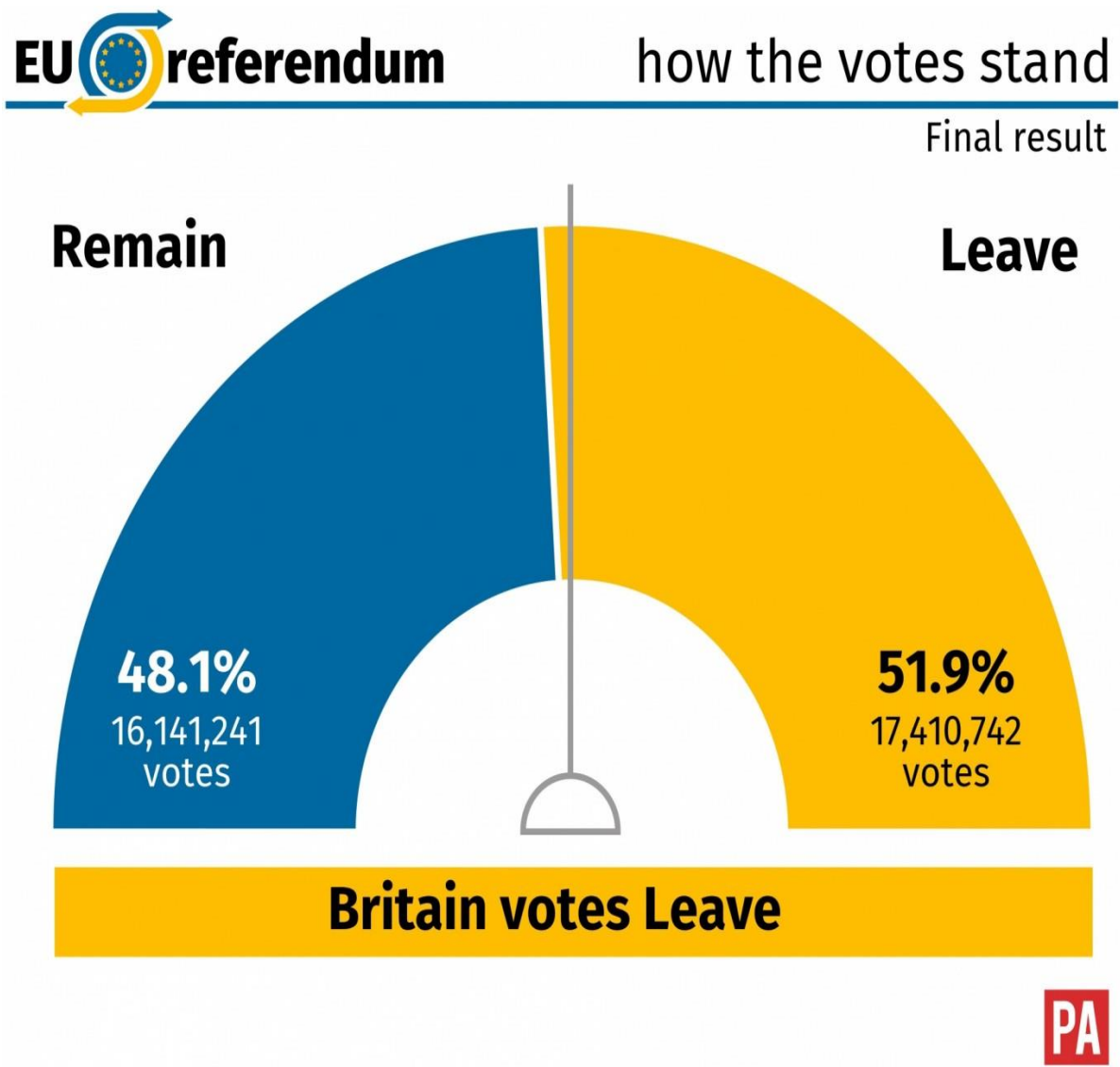


Figure 2: EU Referendum Results - UK votes to leave the EU²⁸

²⁸ Figure 2 BBC News, 'UK votes to leave the EU'
<https://www.bbc.co.uk/news/politics/eu_referendum/results> accessed 1 September 2019

Racism and Xenophobia

Exploring the known definitions of Racism and Xenophobia and the topic of Hate Crime is useful to this study. Racism is defined in the *Race Relations Act 1965* as 'less favourable treatment on grounds of colour, race, or ethnic or national origins. Since 1965 other legislation such as the *Equality Act 2010* has also given similar definitions. However, prior to the *Amendment Act 2000* racism was not fully understood and incidents of racism were rarely acted upon²⁹. Contemporary research suggests that it was the murder of Stephen Lawrence in 1993, a black youth from Plumstead, south east London and the subsequent public inquiry, that has served as a catalyst for raising the profile of hate crime as a social and political problem deserving '*attention in its own right*'³⁰. This enquiry led to the legal recognition of the seriousness of racially aggravated crimes and the introduction of the *Crime and Disorder Act 1998*.

However, in the aftermath of the Stephen Lawrence report, Neil Chakraborti *et al* suggests that even though across society there were high hopes of an anti-racist consensus, issues on immigration and asylum have highlighted a growing illustration for popular racism³¹. For instance, Chakraborti and Garland discuss how, since the 1990's, '*Press hysteria has generated a succession of headlines warning against the supposed dangers of allowing asylum seekers to enter the country*'³². Furthermore, that this hysteria has triggered '*punitive government responses*' that restrict '*entry, freedom and public acceptance of the asylum seeker*'³³.

²⁹ The Guardian, 'To counter racism, you must know what it is – start with the definition in UK law' <<https://www.theguardian.com/world/2017/may/31/to-counter-racism-you-must-know-what-it-is-start-with-the-definition-in-UK-law>> accessed 1 September 2019

³⁰ Nathan Hall, *Hate crime* (Cullompton: Willan, 2005), xv.

³¹ Neil Chakraborti and Jon Garland, *Hate crime : impact, causes and responses* (Los Angeles, SAGE 2009), 28.

³² Neil Chakraborti *et al* (n 31)

³³ D McGhee, 'Getting "Host" Communities on Board: Finding the Balance between "Managed Migration" and "Managed Settlement" in Community Cohesion Strategies', (2006) *Journal of Ethnic and Migration*

Xenophobia, or fear of strangers, is defined as a ‘dislike of or prejudice against people from other countries’³⁴, a fear of someone who is different from us³⁵. Barbara Perry, when discussing Xenophobia, argues that the anti-immigrant rhetoric of right wing hate groups seeks to construct immigrants as ‘dangerous’, often using terms such as ‘alien’ rather than ‘illegal immigrant’³⁶. This terminology highlights the legally marginal status of these people and the presumed nonhuman status³⁷. Perry writes regarding the rhetoric of hate activists whereby they additionally argue that immigrants bring with them economic problems. For instance, hate activists have made suggestions that immigrants are taking all the jobs and are exploiting the welfare system³⁸. As will be explained later, this has similarities to the style of language used by UK political parties in the lead up to the EU referendum.

Barbara Perry discusses the dangers of this type of language in that ‘*such rhetoric plays on the fears of an economically insecure public*’³⁹. By playing on such a pervasive fear of losing one’s job, this triggers, ‘*frustration and blame, thus resentment towards immigrants ... and becomes an ugly side of racism, nativism and xenophobia*’⁴⁰. Consequently, Perry theorises that, ‘*violence is perceived to be a legitimate strategy by which to eradicate that which has been*

Studies,32 (1): 111-127, cited in Neil Chakraborti, *Hate crime : impact, causes and responses* [2009],28.

³⁴ Dictionary, ‘Xenophobia’ (n.d.) < <https://www.dictionary.com/browse/xenophobia>> accessed 1 September 2019

³⁵ Very Well Mind, ‘Xenophobia fear of strangers’ (n.d.) < <https://www.verywellmind.com/xenophobia-fear-of-strangers-2671881>> accessed 1 September 2019

³⁶ Barbara Perry, *In the name of hate : understanding hate crimes* . (New York: Routledge 2001)

³⁷ Barbara Perry (n 36)

³⁸ Barbara Perry (n 36)

³⁹ Barbara Perry (n 36) 152.

⁴⁰ Albert Ochoa, ‘*Language Policy and Social Implications for Addressing the Bicultural Experience in the United States*’ (Westport: CT, 1995), cited in Barbara Perry, *In the Name of Hate: Understanding Hate Crimes* [2001], 152

*construed as evil and sinister*⁴¹. Therefore, negative oratory that focuses on people's fears surrounding immigration and migrants may potentially instigate and provoke some people to commit violence towards them, a suggestion that will be consistently explored throughout this thesis. The following chapter looks at the literature surrounding the meaning of hate crime and reflects on the past and current difficulties of defining the topic.

⁴¹ Barbara Perry (n36) 153.

Hate Crime - A Definition

Chara Bakalis, a principal lecturer from Oxford Brookes University writes that,

*'The term 'hate crime' does not have a specific legal meaning, but has been used flexibly to describe any legislation or legal response aimed at punishing criminal behaviour that demonstrates hatred, hostility or bias towards a particular group in society'*⁴².

Accordingly, an exhaustive definition of hate crime is extremely difficult to compose, particularly one that considers all of its facets⁴³. Current academic literature on the topic reiterates this point. For instance, Nathan Hall a senior lecturer in Criminology and Policing at the University of Portsmouth⁴⁴ discusses that hate crime is a '*notoriously difficult concept to define accurately and effectively*'⁴⁵ and as such there have been many academic attempts to provide a suitable definition that encapsulates the full complexity of its meaning. However, legislation in the United Kingdom does define when an act constitutes a hate crime but it is not always fully understood or operated on in practice. For instance, UK legislation states that under Section 18 of the *POA 1986* it is an offence to use threatening words if the person intends to 'stir up' racial hatred.

Bearing this in mind, a useful academic starting point is Gerstenfeld's⁴⁶ modest suggestion that, '*the simplest definition of a hate crime is this: a criminal act which is motivated, at least in part, by the group affiliation of the victim*'. However, this classification only refers to the United States legislation on hate crime and, unlike UK legislation which protects against motivation and or demonstration, only covers motivation. Hall discusses this meaning and other similar definitions but states that they do not go far enough and lack preciseness. In fact,

⁴² Chara Bakalis & Chris Lloyd (2018) Dangerous speech and images: regulating the internet, Information & Communications Technology Law, 27:1, 1-3, DOI: 10.1080/13600834.2017.1393928

⁴³ Barbara Perry, In the Name of Hate: *Understanding Hate Crimes*. (New York: Routledge 2001) , cited in Nathan Hall, Hate crime [2005], 1

⁴⁴ Nathan Hall, *Hate crime* (Cullompton: Willan, 2005), 1

⁴⁵ Nathan Hall, *Hate crime* (Cullompton: Willan, 2005), 1

⁴⁶ P.B. Gerstenfeld, *Hate Crimes: Causes, Controls and Controversies*. (Thousand Oaks, CA: Sage 2004), cited in Nathan Hall, Hate crime [2005], 2

in law there does not need to be an affiliation, the perpetrators perception that there was an affiliation and the demonstration of hostility or motivation is sufficient.

Looking further at academics explanations of hate crime, Hall states that Perry⁴⁷ insists an adequate definition needs to include certain elements. For example, those that were suggested by Wolfe and Copeland and Sheffield⁴⁸ which Perry puts forward as,

'Hate Crime involves acts of violence and intimidation, usually directed toward already stigmatised and marginalised groups. As such, it is a mechanism of power and oppression, intended to reaffirm the precarious hierarchies that characterise a given social order. It attempts to re-create simultaneously the threatened (real or imagined) hegemony of the perpetrator's group and the 'appropriate' subordinate identity of the victim's group.'

Hall then further discusses what these definitions tell us about hate crime. For instance, Perry suggests that 'hate crime is a crime like no other'⁴⁹ and seeks to explain what lies behind the motivation of offenders. Hall further explains that motivation is an 'offender's hatred of and prejudice against a particular identifiable group, usually already marginalised within society, whom the offender intentionally selects based on that prejudice'⁵⁰. However, in the UK we only need to prove 'demonstrating hostility' at the time of the offence for it to be classed as a hate crime.

As suggested earlier, there are many academic definitions of hate crime and so it would be impossible to cover them all comprehensively here. However, what is also useful to explore for this research question is Perry's suggestion that *'the damage involved goes far beyond*

⁴⁷ Barbara Perry, (2001) *In the Name of Hate: Understanding Hate Crimes*. (New York: Routledge, 2001), cited in Nathan Hall, *Hate crime* [2005], 3.

⁴⁸ L Wolfe and L Copeland, 'Violence against women as bias-motivated hate crime: defining the issues in the USA', (1994), in M Davies (ed.), *Women and Violence*. (London: Zed Books), cited in Nathan Hall, *Hate crime* [2005], 3.

⁴⁹ Barbara Perry, (2001) *In the Name of Hate: Understanding Hate Crimes*. (New York: Routledge, 2001), cited in Nathan Hall, *Hate crime* [2005], 4.

⁵⁰ Nathan Hall, *Hate crime* (Cullompton: Willan, 2005)

*physical or financial damages. It reaches into the community to create fear, hostility and suspicion*⁵¹. Furthermore that, *‘the intent of hate crime is to subordinate and intimidate not only the victim but also the entire community to which they belong’*⁵². If this is accurate then not only are the individuals themselves effected but potentially the hate crime extends and engulfs entire families. Whilst it is extremely difficult to establish cause and effect, it is argued that racial hatred has a ‘ripple’ effect upon whole communities. The subsequent chapter reviews UK law on Hate Speech, and describes the offences permitting to ‘stirring up’ racial hatred.

⁵¹ Barbara Perry, *In the name of hate : understanding hate crimes* . (New York: Routledge 2001)

⁵² Barbara Perry, (2001) *In the Name of Hate: Understanding Hate Crimes*. (New York: Routledge, 2001), cited in Neil Chakraborti and Jon Garland, *Hate crime : impact, causes and responses* [2009], 6.

Legislation – Hate Speech

Prior to analysing the dialogue of UK political parties and the journalism of the British Tabloids during the EU Referendum, an outline of the legislation surrounding Hate Speech within the UK is imperative to this study. Under UK law there is specific legal protection against a person using *‘threatening, abusive or insulting words or behaviour if the person intends to stir up racial hatred OR having regards to all the circumstances racial hatred is likely to be stirred up’*⁵³. Part three of the POA 1986 defines racial hatred as *‘hatred against a group of persons defined by reference to colour, race, nationality (including citizenship), or ethnic or national origins’*. Furthermore, the ‘stirring up offences’ under the *Public Order Act 1986*, prohibits the use of *‘threatening, abusive or insulting words or behaviour that causes or is likely to cause, another person harassment, alarm or distress’*⁵⁴. Protection is also found under ss28-32 of the *Crime and Disorder Act (CDA) 1998*, and the enhanced sentencing in the *Criminal Justice Act 2003 (CJA)* ss145 and 146.

Additionally, the *UK Racial and Religious Hatred Act (RRHA) 2006* make it an offence for a person to use, *‘Threatening words or behaviour, or display any written material which is threatening’* and which is intended to stir up religious hatred. Reflecting on the *RRHA 2006* academics have considered examples of how written material can be threatening⁵⁵. For example, Cherian George, the author of *Hate Spin*, discusses that in the months immediately preceding the EU referendum vote the media *‘showcased its more active and deliberate role in purveying hate’* and that, *‘Britain’s right wing press stood out in Europe for the ‘consistent hard campaigning edge of its anti-immigrant coverage’*⁵⁶. George seeks to reiterate the point

⁵³The Public Order Act 1986, s18.

⁵⁴ The Public Order Act 1986, s4.

⁵⁵ Cherian George, *Hate Speech: a dilemma for journalists the world over*, [2017], London: OpenDemocracy Ltd.

⁵⁶Cherian George (n 55)

that ‘*hate speech can proliferate in highly charged and polarised political debates*’⁵⁷. Consequently, the way the British tabloids reported on the referendum itself may constitute an offence under UK law if it is evidenced that their ‘written material’ displayed ‘threatening words’ and they intended to ‘stir up’ racial hatred. Or, if their use of words ‘*having regard to all the circumstances*’, was likely to have stirred up racial hatred, their actions could be considered an offence under Section 18 of the *POA*.

With regards to hate speech, the *Equality and Human Rights Commission* (EHRC) sent a letter to UK politicians suggesting that they had ‘polarised’ the country and ‘legitimised hate’⁵⁸. Furthermore, the EHRC said that they did so through their toxic debates in the run up to the EU referendum. In fact, the *Equality Watch Dog* (EWD) took a further step and called for ‘*an end to political incitement and intolerant political speech*’⁵⁹, reinforcing the suggestion that politicians may have used ‘threatening words’ in the lead up to the EU referendum. This suggestion by the *EWD* is very intense and uses extremely emotive language. Nevertheless, it is a consideration that this thesis aims to explore. Most importantly, it is the domestic legislation such as the *CDA 2003* and the *POA 1986* with its ‘stirring up offences’, which is of extreme importance to this thesis and will be analysed in the later discussion chapters. Next though, and to give thought to an objective viewpoint, the following chapter briefly reviews the legislation relating to the right to Freedom of Expression.

⁵⁷ Cherian George (n 55)

⁵⁸ Equality and Human Rights Commission, ‘Standing up against race hate’ <<https://www.equalityhumanrights.com/en/our-work/blogs/standing-against-race-hate>> accessed 7 September 2019

⁵⁹ Cherian George (n 55)

Freedom of Expression

Literature describes how *The Convention for the Protection of Human Rights and Fundamental Freedoms* (European Convention or ECHR) adopted in Rome on 4 November 1950, ‘*was a ground-breaking achievement in terms of advancing human rights, not only for Europe, but for the whole world*’⁶⁰. The *Human Rights Act 1998* (HRA) followed this legislation and came into force in the UK in October 2000. This law incorporates the rights contained within the *European Convention on Human Rights* (ECHR) into domestic law⁶¹.

The *HRA* sets out the rights and freedoms that all persons in the UK are entitled to including the right of Freedom of Expression. Article 10 (1) states that ‘*Everyone has the right to freedom of expression*’ which includes the right ‘*to hold opinions and to receive and impart information and ideas without interference*’⁶²⁶³. Exercising these freedoms may be subject to restrictions as a person has a duty to respect other people’s rights, and to act responsibly⁶⁴. For instance, this right can be restricted by public bodies if they can show that their action is ‘*lawful, necessary and proportionate*’ to ‘*prevent disorder and crime*’ and to ‘*protect health and morals*’. Therefore, an authority may restrict a person’s freedom to express their opinions if their views for instance, encourage racial or religious hatred⁶⁵.

Article 10 is particularly relevant to this study as this right allows journalists and others working in the media to be free to criticise others without fear of prosecution⁶⁶. Article 10 also

⁶⁰ Toby Mendel, ‘A Guide to the Interpretation and Meaning of Article 10 of the European Convention on Human Rights’ (Centre for Law and Democracy) <<https://rm.coe.int/16806f5bb3>> accessed 7 September 2019

⁶¹ The Human Rights Act 1998

⁶² by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

⁶³ The Human Rights Act 1998, sch 1(10) (1)

⁶⁴ The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

⁶⁵ The Human Rights Act 1998, sch 1(10) (2).

⁶⁶ The Human Rights Act 1998, sch 1(10).

allows individuals to ‘*hold opinions*’ and to ‘*receive and impart information and ideas without interference by public authority*’⁶⁷. Therefore, this right also permits persons such as politicians, to express their ideas and opinions. Other international laws such as the *International Covenant on Civil and Political Rights* (ICCPR), also affords people the right to freedom of expression⁶⁸.

Examining Article 10 of the *HRA* allows impartial consideration to be given to a person’s right to freedom of expression and to hold opinions, against a victim’s right to be protected from ‘racial hatred’⁶⁹. Furthermore, thought can also be given to restrictions set out in Article 10⁷⁰ to see where an offender may have crossed the threshold of criminality. For example, Article 10 (2) of the *HRA 1998* contains ‘*duties and responsibilities*’ which ‘*may be subject to restrictions as prescribed by law, in the interests of national security...or public safety...prevention of crime, for the protection of health and morals, or rights of others*’. Similarly, international law sets out that the exercise of these rights carries ‘*special duties and responsibilities*’⁷¹ and Article 20 makes clear that any support of racial hatred that equals ‘*incitement to hostility or violence*’ is an offence⁷².

Therefore, determining if the journalism of British tabloids and rhetoric of political parties in the lead up to the EU referendum constituted a breach of Hate Speech and or Human Rights legislation is crucial to this thesis. By defining this point, it then allows this study to explore the accountability and responsibility that political parties and the British tabloids had with regards to protecting the public from any form of hate speech during the referendum. Firstly though, the following chapter reviews important academic literature on the motivations of

⁶⁷ The Human Rights Act 1998, sch 1 (10).

⁶⁸ The International Covenant on Civil and Political Rights, pt 1(19) (2).

⁶⁹ The Human Rights Act 1998, sch 1 (10).

⁷⁰ The Human Rights Act 1998, sch 1 (10).

⁷¹ The International Covenant on Civil and Political Rights, pt 2 (19) (3).

⁷² The International Covenant on Civil and Political Rights, pt 2 (20) (2).

readers during the EU referendum. Establishing whether reader responses corresponded with prevalent negative news on migrants is valuable to this study.

Motivating Reader Responses

Evidence discussed by Daniel Devine⁷³, a principal lecturer from the University of Southampton, points towards immigration and the control of British borders as being key issues in the lead up to the EU referendum. Along the same idea Devine discusses the likelihood that ‘*pre event inflammatory rhetoric*’ drove the link between the referendum and an increase in hate crime⁷⁴. Devine further writes that politicians supporting the Leave Campaign, namely Michael Gove and Boris Johnson, were told by the Campaign Director that, ‘*to win they would need to hit Cameron and Osbourne over the head with a baseball bat with immigration written on it*’⁷⁵. It is quite clear from research that campaigns favouring an exit from the European Union did indeed attempt to sway voters by using the issue of immigration and proactively centred its debates on the topic. Evans *et al* theorises that this issue then dominated the news agenda and that that dominance ‘*increased over the campaign*’⁷⁶.

Mathew Harris⁷⁷, the Managing Editor of Survival and Research Fellow, puts forward the exact same notion that one of the best predictors of support for leaving the EU was hostility to immigration, evidenced by a poll prior to the referendum. The poll demonstrated that 79% of people wanting to leave the European Union ‘agreed with the proposition that immigration is bad for the British economy, compared with 21% of those in favour of remaining’⁷⁸. Even though the actual referendum vote was much narrower, with a 52%-48% in favour of leave, it

⁷³ Daniel Devine, The UK referendum on Membership of the European Union as a Trigger Event for Hate Crimes, 2018, Division of Politics and International Relations

⁷⁴ Devine (n73) 1.

⁷⁵ Devine (n73) 3.

⁷⁶ Evans and Menon, (2017), cited in Daniel Devine, The UK referendum on Membership of the European Union as a Trigger Event for Hate Crimes, [2018], 3

⁷⁷ Matthew Harries, Britain's Dangerous New Politics, [2016], *Survival*, 58:6, 31-42.

⁷⁸ Mathew Goodwin and Caitlin Milazzo, Britain, the European Union and the Referendum: What Drives Euroscepticism?, (2015), 6 – cited in Matthew Harries, Britain's Dangerous New Politics, *Survival*, 58:6, [2016], 7.

cannot be refuted that such high statistics coming from the poll suggests that immigration was a leading concern for the British voters.

The electorate's views on immigration have been scrutinised by academics to understand if some readers may have been motivated to carry out racial violence, specifically due to negative political party speech and adverse tabloid journalism. For instance, Jon Burnett, states that a woman who was racially abused in London was referred to as '*this lot*'. With such a statement, some may argue that racism, for migrants at least, may now be indeed a growing concern in the UK⁷⁹. Another example of reader's responses comes from Burnett. Burnett writes that the same woman was told that as they had '*lost*' the election they should '*go back*' out of '*our country*'⁸⁰. This is a clear example of a link between the referendum vote and reader responses to negative commentary regarding immigration. Another example from Burnett highlights the attitude of one man surrounding immigration when he ripped off a woman's niqab and reportedly told her to live by '*British*' rules⁸¹.

Further illustration of aggressive oratory has been documented in news articles. For instance, an article in *The Evening Standard* describes how a drunk passenger performed Nazi salutes whilst shouting chants of '*this is our country*' and '*go back*'⁸² in front of a woman who was wearing a headscarf. Other articles have recorded how some people have responded towards migrants and those they perceive as not 'belonging to British society' during the referendum. For example, a lady who is half Egyptian and half Pakistani describes how she was racially

⁷⁹ Jon Burnett, *Racial violence and the Brexit state*, London: SAGE (2016).

⁸⁰ Jon Burnett (n 79)

⁸¹ Jon Burnett (n79)

⁸² Hannah Al-Othman, *The Evening Standard*, 'Man performed Nazi salutes' <<http://search.ebscohost.com/login.aspx?>> accessed 7 September 2019

abused on a high street in Surrey by a man in his mid-30's⁸³. The man, referring to the upcoming referendum result, screamed verbal abuse at her, citing '*you, people like you, are going to be out of here soon*'⁸⁴. This appears to be a direct link between political rhetoric during the referendum and the harmful response by some people. Examples like these appear to satisfy the offence of using '*threatening words that is likely to cause alarm or distress*', a crime under the *POA 1986*. In addition, if found guilty of such an offence it may aggravate the offence and or sentence if 'hostility' is demonstrated during or motivated by the commission of the offence⁸⁵.

Alina Rzepnikowska, from the School of Social Sciences in the University of Manchester, UK, discusses more hostile behaviours experienced by Polish migrants before and after the EU referendum⁸⁶. For instance, Bartosz Milewski a 21 – year old student, was stabbed in his neck because he was also heard speaking Polish with his friend⁸⁷. In an even more extreme incident, one Polish worker was killed when he was punched for talking Polish. Furthermore, Rzepnikowska gives examples of actual interviews with Polish migrants and their experiences relating to racism. A woman called Renia, describes how she was attacked in a local bar in Manchester because she was speaking Polish. Renia states that the brutal attack on her by a man left her hospitalised and unable to walk⁸⁸.

The reasons for what fuelled such abhorrent behaviour needs to be further investigated to determine if they are linked in any way to the reporting by British tabloids and the rhetoric of

⁸³ A Ullah, Middle East Eye, 'Spike in hate crime and racial abuse reported across UK post Brexit' <<https://www.middleeasteye.net/news/spike-hate-crime-and-racial-abuse-post-brex-it-432166116>> accessed 7 September 2019

⁸⁴ A Ullah (n83)

⁸⁵ The Crime and Disorder Act 1998, s28.

⁸⁶ Alina Rzepnikowska, Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote, *Journal of Ethnic and Migration studies*, [2018].

⁸⁷ Alina Rzepnikowska (n86) 1.

⁸⁸ Alina Rzepnikowska (n86) 12.

political parties during the EU referendum. Rzepnikowska highlights how, in the lead up to the 2016 EU referendum, *‘the reporting of immigration more than tripled during the campaign’* and that the coverage was *‘overwhelmingly’* negative.

It is important then to investigate whether political party campaigns and British tabloid reporting contributed to an escalation of such harmful behaviour; which potentially added to widespread racism during the EU referendum. If their destructive narrative has influenced the responses and motivations of readers to carry out racial violence, then consideration must be given to their conduct in any future popular vote. Furthermore, if their behaviour is found to have contributed to hate crime, then consideration must also be given to whether UK legislation governing hate crime is sufficient to limit hate action. In the following chapter attention is turned to the research surrounding the rhetoric of political party campaigns in the lead up to the EU Referendum vote.

UK Political Party Campaigns

Literature, for example Mathew Goodwin and Oliver Heath's paper on the EU referendum, examined the dialogue of UK political party campaigns surrounding the referendum and the manner and mode of delivery of their manifestos⁸⁹. It seems that there is a growing consensus amongst some academics that methods employed for securing votes by political parties may have been questionable, borderline criminal, and a definite moot point. For example, Goodwin *et al* states that one of the key messages from the Leave campaign was to '*take back control of our borders*'⁹⁰. This message explicitly implied that by doing so would reduce migration into Britain⁹¹, a message that was evidenced to be inaccurate and extremely misleading to the electorate. Goodwin⁹² further reiterates this point and states that the message regarding immigration 'played' on the public's concerns surrounding this topic. When looking at the methods deployed by the Leave campaign, joined by the Leave.eu, it is suggested that they adopted a brutal tactical approach to win over the electorate⁹³. Unlike the Remain campaign who focussed on the economy, the Leave campaign fixated on immigration and by doing so current literature points to a referendum that was '*polarised, volatile and ugly*'⁹⁴.

As discussed earlier, Matthew Harries⁹⁵ stated that the Leave campaign, realising the economic reason for leaving the EU was not supported by the electorate, shifted its focus to controlling immigration. The leave campaign was acutely aware that immigration was a concern for UK voters through information gathered via polling trackers such as YouGov⁹⁶ and Opinium⁹⁷,

⁸⁹ Mathew Goodwin and Oliver Heath, The 2016 Referendum, Brexit and the Left Behind: An Aggregate-Level Analysis of the Result, *Political Quarterly*, 87 (3), 323-332

⁹⁰ Mathew Goodwin *et al* (n 89)

⁹¹ Mathew Goodwin *et al* (n 89)

⁹² Mathew Goodwin *et al* (n 89)

⁹³ Matthew Harries, Britain's Dangerous New Politics, [2016], *Survival*, 58:6, 31-42.

⁹⁴ Matthew Harries (n 93)

⁹⁵ Matthew Harries (n 93)

⁹⁶ YouGov, 'What the world thinks' <<https://yougov.co.uk/>> accessed 7 September 2019

⁹⁷ Opinium, 'What people think, feel and do' <<https://www.opinium.co.uk/>> accessed 7 September 2019

prior to the referendum result. Other important surveys further confirm that immigration was the most critical issue that the public thought the country faced in the lead up to the EU referendum⁹⁸.

Recent research has evidenced that there were incidents of racial violence in the lead up to the referendum vote and that the rhetoric of political parties may have been a contributory factor. For example, Jenny Bourne⁹⁹, the editor of *Race and Class*, points out that Rebecca Hilsenrath and David Issac from *Equality and Human Rights Commission* (EHRC) wrote a letter of admonition to the UK political parties. 'Issac and Hilsenrath said that, '*Politicians of all sides should be aware of the effect on national mood of their words and policies, even when they are not enacted*'. They went on to say that they have the responsibility to see that '*the right to free and fair elections are supported by accurate information and respectful debate...*'¹⁰⁰ Furthermore, a leading academic, James Martin, discusses that the EU was '*rhetorically associated with a dangerous excess*'¹⁰¹, captured by the UKIP slogan of '*We want our country back*'¹⁰². This idea was confirmed by the then UKIP leader Nigel Farage offering up vulgar examples of sexually predatory migrants to Boris Johnsons '*well-worn trope of Nazism to describe the geopolitical ambitions of the EU*'¹⁰³.

However, it is not just political party campaigns that were suggested as venomous as further investigations into comments made by individual politicians during the referendum have also

⁹⁸ Mathew Goodwin and Oliver Heath, The 2016 Referendum, Brexit and the Left Behind: An Aggregate-Level Analysis of the Result, *Political Quarterly*, 87 (3), 323-332

⁹⁹ Jenny Bourne, The seeds of post Brexit racial violence lie in government policy, 'Racist attacks are condemned by politicians who stop short of examining their complicity. New research suggests policy ignites hatred' < <https://www.opendemocracy.net/en/shine-a-light/seeds-of-post-brexite-racial-violence-lie-in-government-policy/>> accessed 7 September 2019

¹⁰⁰ Jenny Bourne (n 99)

¹⁰¹ James Martin, 'Early reflections from leading UK academics'. EU Referendum Analysis 2016: Media, Voters and the Campaign, [2016] 21.

¹⁰² Martin (n101) 21.

¹⁰³ Martin (n101) 21.

been criticized. A critical point that academics discussed was that individual politicians used the concerns of the public regarding immigration and economy to '*legitimise hate*'¹⁰⁴. Negative party speech towards immigration can also be found earlier than the referendum campaign. For instance, in 2013, Theresa May, the then Home Secretary, piloted a project that saw vans driving round with billboards on them. These billboards were sent around London boroughs which had mainly white populations with the slogans, '*In the UK illegally? Go home or face arrest*'. Once May had decided that the messages had been 'too blunt' the project was dismissed quickly as too intense and '*echoed the language of the far right*'¹⁰⁵. However, Harris suggests that the same message of extremism might not be true today as after the referendum vote Britain saw racial messages flaunted across the UK, For instance, messages sprayed onto a Polish Cultural centre stating, '*Go Home*' and '*Pack your bags*'¹⁰⁶ resonates the messages deemed by May as '*too extreme*'.

Ideas have also centred on the notion that the rhetoric of politicians may be classed as borderline hate speech. For instance, Nigel Farage, the former leader of *UKIP* had said previously that Britain resembled something of a 'foreign land' and that any normal person '*would have a perfect right to be concerned if a group of Romanian people suddenly moved in next door*'¹⁰⁷. Even the then Home Secretary Theresa May joined in similar language by proposing that companies should now declare how many foreigners they had hired¹⁰⁸. Language as powerful and potentially harmful as this may be considered as crossing the threshold of criminality with regards to hate speech as Section 4 of the *POA* clearly states that

¹⁰⁴ Jenny Bourne, The seeds of post Brexit racial violence lie in government policy, 'Racist attacks are condemned by politicians who stop short of examining their complicity. New research suggests policy ignites hatred' < <https://www.opendemocracy.net/en/shine-a-light/seeds-of-post-brexite-racial-violence-lie-in-government-policy/>> accessed 7 September 2019

¹⁰⁵ Matthew Harries, Britain's Dangerous New Politics, [2016], *Survival*, 58:6, 31-42.

¹⁰⁶ Alina Rzepnikowska, Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote, *Journal of Ethnic and Migration studies*, [2018], 12

¹⁰⁷ Matthew Harries, Britain's Dangerous New Politics, [2016], *Survival*, 58:6, 31-42.

¹⁰⁸ Harries (n107) 31-42.

the use of *'insulting words that causes or is likely to cause distress'* is a criminal offence. Additional points were also made by other academics such as Colette Browne¹⁰⁹ who discusses the poster that Nigel Farage revealed which portrayed hundreds of migrants and refugees queuing to cross a border. The inappropriately titled *'Breaking Point'* poster, with the slogan, *'We must break free of the EU and take back control of our borders'*¹¹⁰, was criticized by some as using material that potentially incited racial violence. The poster was in fact of Syrian refugees who were being escorted to Brezice refugee camp in Slovenia and were nowhere near the UK border. The then chancellor George Osborne called it 'vile' and 'disgusting' and likened it to Nazi propaganda¹¹¹, stating that the poster had *'echoes of literature used in the 1930's'*. An MP from the Scottish National Party (SNP) described it as, *'a vote for leave is pretty much become a vote for petty xenophobia and anti – immigrant rhetoric'*¹¹².

Similarly, other politicians accused Farage of using such propaganda tactics to simply win the EU referendum by using anti-immigrant sentiment. For instance, Dave Prentis of the *Unison* union sent in a letter of complaint to the Metropolitan police¹¹³. Referring to the poster Prentis wrote, *'it was a blatant attempt to incite racial violence'* and furthermore that it was *'scaremongering in its extreme and vile form'*¹¹⁴. The use of the poster certainly seems to breach UK laws, in particular Section 4 of the *POA*¹¹⁵. Prentis continues and describes that the campaigners for Leave had, *'descended into the gutter'* in that they had deliberately attempted

¹⁰⁹ Collette Browne, (London 2016) *The media's nasty little blind spot when it comes to far- right terrorists'*

¹¹⁰ Heather Stewart and Rowena Mason, *The Guardian*, 'Nigel Farage's anti-migrant poster reported to police' <<https://www.theguardian.com/politics/2016/jun/16/nigel-farage-defends-ukip-breaking-point-poster-queue-of-migrants>> accessed 7 September 2019

¹¹¹ B Riley-Smith, *The Telegraph* (2016), 'EU referendum: George Osborne compares Ukip 'breaking point' migration poster to Nazi propaganda' < <https://www.telegraph.co.uk/news/2016/06/19/eu-referendum-campaigning-resumes-as-jeremy-corbyn-and-michael-g2/>> accessed 7 September 2019

¹¹² A Cowburn, *The Independent*, 'Nigel Farage refuses to apologise for 'Breaking Point' poster in final pitch to voters' <<https://www.independent.co.uk/news/uk/politics/brexit-poster-nigel-farage-eu-referendum-live-latest-vote-leave-remain-a7095236.html>> accessed 7 September 2019

¹¹³ Heather Stewart and Rowena Mason, *The Guardian*, 'Nigel Farage's anti-migrant poster reported to police' <<https://www.theguardian.com/politics/2016/jun/16/nigel-farage-defends-ukip-breaking-point-poster-queue-of-migrants>> accessed 7 September 2019

¹¹⁴ Heather Stewart and Rowena Mason (n 113)

¹¹⁵ Offence to use threatening, abusive or insulting words or behaviour that causes or is likely to cause, another person harassment, alarm or distress'.

to frighten people into voting to leave the EU. If this idea of ‘frightening’ people is evidenced through further research, then consequently it could be said that political parties may have motivated readers to respond negatively, directly linked to the information that they were being given. Examples from current research have seemingly reaffirmed this point. One person for instance, who racially abused a lady in London told her to, ‘*fuck off back to your country*’ and ‘*get the fuck out of our county*’¹¹⁶.

What is definitively known is that most of the public were unaware that the UKIP poster had absolutely nothing to do with Britain’s borders and that it was, as described earlier, Syrian refugees fleeing war. Prentis makes a valid point when he declares that “*To pretend that migration to the UK is only about people who are not white is to peddle the racism that has no place in a modern, caring society*”¹¹⁷. Prentis said that Unison complained because it believed it was a ‘*blatant attempt to incite racial hatred and breach UK race laws*’. Other politicians involved with the leave campaign, for instance Boris Johnson, tried to distance themselves from UKIPs adverse portrayal of the UK’s borders.



Figure 3: UKIP's 'Breaking Point' poster

¹¹⁶Jon Burnett, Racial violence and the Brexit state, [2016], London Institute of Race Relations: London: Sage, 88.

¹¹⁷ Heather Stewart and Rowena Mason (n 113)

Both Nicola Sturgeon from the SNP and Yvette Cooper condemned the poster¹¹⁸, describing it as disgusting. In fact, parallels were drawn by Twitter users of the posters image closely resembling similar Nazi propaganda footage that was shown on a BBC documentary in 2005¹¹⁹.



Figure 4: UKIP's 'Breaking Point' poster, which social media users pointed out, had uncanny echoes of Nazi propaganda. [Twitter]¹²⁰

When looking at motivation and influence upon readers, a reference can be drawn from the events that unfolded the day the UKIP poster was unveiled. On that very same day, Jo Cox, the Labour MP for Batley and Spen constituency, was murdered. Thomas Mair, an unemployed gardener who was originally from Scotland, was charged and subsequently convicted of Jo Cox's murder. Mair was alleged to be involved with a far right group, *Britain First*, a far right political organization formed in 2011 by members of the *British National Party*. Eyewitnesses of the attack on Cox alleged that Mair kept shouting, '*Britain first, keep Britain independent*'.

¹¹⁸ Heather Stewart and Rowena Mason (n 113)

¹¹⁹ Heather Stewart and Rowena Mason (n 113)

¹²⁰ Euractiv, 'Breaking Point The EU has failed us all' < <https://www.euractiv.com/wp-content/uploads/sites/2/2016/06/breaking-point.png> > accessed 7 September 2019

and finally shouted, ‘*This is for Britain*’¹²¹. Whilst *The Telegraph* writes that Mair sought help for his mental health problems the night before the murder¹²², an examination by a psychiatrist during the trial found no evidence that he was not responsible for his actions due to any mental health issues¹²³.

The political group *Britain First* attempted to distance themselves from Mair, stating that it is not a racist party. However, it is clear from their propaganda material that they support the prevention of immigration and actively campaign for the, ‘*return of British values*’, the end of ‘*Islamation*’, and consistently campaign on an anti-immigration platform¹²⁴. This is further exemplified by a story on their website showing a video clip of their deputy leader, Jayda Fransen, harassing migrants living in a tent and demanding to know where they come from¹²⁵. Also, in the lead up to the referendum, UK far-right groups such as *Britain First* seemed to profit from the rhetoric of the referendum and the murder of Jo Cox by gaining a significant number of followers. For instance, the followers total on *Britain First*’s Twitter account increased by over 700 in the 5 days following Jo Cox’s murder. This seems to be a clear example of oratory influencing the electorate. Additionally, a report by Smith and Colliver writes that ‘*Britain’s four most prominent far-right groups all amplified their online reach during the Brexit campaign, with British Unity increasing its visibility on Twitter by almost 12,000% last*

¹²¹ Mathew Taylor and Ian Cobain, *The Guardian*, ‘Far-right terrorist Thomas Mair jailed for life for Jo Cox murder’ <<https://www.theguardian.com/uk-news/2016/nov/23/thomas-mair-found-guilty-of-jo-cox-murder>> accessed 7 September 2019

¹²² Harry York *et al*, *The Telegraph*, ‘Jo Cox murder: Thomas Mair asked for mental health treatment day before MP died’ <<https://www.telegraph.co.uk/news/2016/06/17/jo-cox-murder-thomas-mair-asked-for-mental-health-treatment-day/>> accessed 7 September 2019

¹²³ Taylor (n 121)

¹²⁴ Patrick Foster, *The Telegraph*, ‘Britain First’: Who are the far-right group whose name was ‘shouted by Jo Cox gunman’? <<https://www.telegraph.co.uk/news/2016/06/16/britain-first-the-far-right-group-with-a-massive-facebook-follow/>> accessed 7 September 2019

¹²⁵ Collette Browne, *The media’s nasty little blind spot when it comes to far- right terrorists*, [2016]

month'¹²⁶. Whilst this information indicates possible influence, more evidence is needed to prove motivation.

To consider possible confirmation of factors that may have motivated readers, a point to consider is Farage's dangerous comments relating to the use of the poster. Farage's attempt to sway the electorate was clear in his response to challenges surrounding the poster. When challenged Farage stated that,

*"Frankly, as you can see from this picture, most of the people coming are young males and, yes, they may be coming from countries that are not in a very happy state, they may be coming from places that are poorer than us, but the EU has made a fundamental error that risks the security of everybody"*¹²⁷

Such direct comments towards migrants may have induced fear into some British people and so motivated them to react negatively towards migrants. They may have believed that they were no longer safe due to the UK's immigration policies and that indeed their families were also at risk. The Green party MP for Brighton Pavilion said that Farage was '*engaging in politics of the gutter*' and that, "*Using the innocent victims of a human tragedy for political propaganda is utterly disgusting*"¹²⁸.

Lastly what is extremely worrying is the connection that Farage makes with migrants, terrorists and mass attacks. Farage discussed the issue of 'bomb plots' and 'mass attacks' alongside the topic of immigration, stating that, '*When Isis say they will use the migrant crisis to flood the continent with their jihadi terrorists, they probably mean it*'¹²⁹. Such harmful rhetoric towards migrants may have the potential to influence the motivations of at least a minority of readers. Even if just a handful of readers, a mere trickle, are motivated to carry out racial attacks then

¹²⁶ Melanie Smith and Chloe Colliver, The impact of Brexit on far right groups in the UK: Research Briefing, [2016].

¹²⁷ Heather Stewart and Rowena Mason, The Guardian, 'Nigel Farage's anti-migrant poster reported to police' <<https://www.theguardian.com/politics/2016/jun/16/nigel-farage-defends-ukip-breaking-point-poster-queue-of-migrants>> accessed 7 September 2019

¹²⁸ Heather Stewart and Rowena Mason, The Guardian (n 127)

¹²⁹ Heather Stewart and Rowena Mason, The Guardian (n 127)

cause and effect is proven with room for little doubt; and so UK political parties would be guilty of '*using threatening words and behavior that causes or is likely to cause distress*', a clear offence under UK domestic hate speech law¹³⁰.

What has definitely been evidenced is that anti-immigrant rhetoric was a core part of the leave campaign, and those who voted leave were concerned about immigration. In the later discussion chapters, further consideration will be given to whether such anti-immigrant rhetoric resulted in a contribution to hate crime. The following chapter considers the journalism of the British tabloids in the lead up to the EU referendum vote.

¹³⁰The Public Order Act 1986, s4.

British Tabloid Reporting

The power of communication between the public and the British tabloids has been previously acknowledged and verified by leading academics and other well-known media outlets. Whilst we need to remember that newspaper headlines are not government policy¹³¹, and do not create UK laws, it seems from documented research that their reporting possibly influenced the responses of its readers. For example, in 2000, *The News of the World* campaigned for Sarah's law which would see parents having access to the location details of sex offenders. The motivations and responses of the readers during this campaign were very clear. The paper began a naming and shaming campaign which allowed the public access to the whereabouts of potential offenders but critics called it 'irresponsible journalism' as innocent people were being hurt. Some condemned the actions of the tabloid as a 'vile and despicable act' suggesting that the paper was 'cashing in' to boost its sales and with no accountability for any negative consequences. Parents queued¹³² to buy copies and the newspaper succeeded in selling 95,000 additional copies. However, the campaign saw the rise of violent occurrences throughout the county as '*local people formed vigilante-type mobs*' intent on driving men taken to be those pictured in the paper out of their neighborhoods¹³³. Several attacks took place, Iain Armstrong was beaten up by a vigilante group and a local taxi driver's home in Portsmouth was attacked by more than 300 people. It is extremely palpable then that the deleterious authoring of some British tabloids can be influential to individuals and worryingly, perhaps to the masses.

The campaign for Sarah's Law is not the only example of tabloids whipping up a public frenzy. *The Guardian* writes that many tabloids give false and inaccurate information. Referring to the new identity given to Maxine Carr, the woman who falsely gave an alibi for the convicted

¹³¹ Matthew Harries, Britain's Dangerous New Politics, [2016], *Survival*, 58:6, 31-42.

¹³² BBC News, 'A paper's controversial campaign' < <http://news.bbc.co.uk/1/hi/uk/1709708.stm>> accessed 7 September 2019

¹³³ BBC News (n132)

murderer Ian Huntly, *The Guardian* discusses that leading tabloids ‘have been vicious and hyperbolic’ and ‘whipping up the kind of public hysteria guaranteed to incite misguided people to take the law into their own hands’¹³⁴. *The Guardian* goes one step further when it states that,

*‘The Daily Express last week referred to her having "committed an abominable crime" and said she "got off so lightly" that she "does not deserve taxpayer-funded protection". She should therefore live with "the stark and brutal consequences" of what she did’*¹³⁵¹³⁶.

Furthermore, the idea that such statements legitimise vigilante action was strongly suggested and that such comments ‘ranked as one of the most callous and irresponsible ever made by a national newspaper’. An important point reiterated that, ‘The law has run its course but the papers - and people heavily influenced by the reactionary views of such papers - refuse to move on’¹³⁷. These are clear examples of how historically the media can influence the responses of the electorate.

When looking at hate crime in particular, examples linking directly with the proposed media rhetoric are not difficult to find. For instance, a study by detective Dr Robert Lambert and Dr Jonathan Githens-Mazer found that a rise in hate crimes against Muslims in London was ‘encouraged by mainstream politicians and sections of the media’¹³⁸. The report focuses on different levels of attacks ranging from mere threats to actual murder and suggests that they are ‘in part’, whipped up by ‘extremists and mainstream society’¹³⁹. The report goes further to state that,

‘The report provides prima facie and empirical evidence to demonstrate that assailants of Muslims are invariably motivated by a negative view of Muslims they have acquired

¹³⁴ Roy Greenslade, *The Guardian*, ‘Selling lies is not press freedom’
<<https://www.theguardian.com/media/2005/feb/28/pressandpublishing.mondaymediasection2>> accessed 7 September 2019

¹³⁵ *The Guardian* (n 134)

¹³⁶ Maxine Carr gave a false alibi for the convicted murderer Ian Huntley

¹³⁷ Roy Greenslade, *The Guardian* (n 134)

¹³⁸ University of Exeter, ‘New Research leads focus on anti-Muslim hate crime’

<https://www.exeter.ac.uk/news/featurednews/title_53723_en.html> accessed 7 September 2019

¹³⁹ University of Exeter, ‘New Research leads focus on anti-Muslim hate crime’

<https://www.exeter.ac.uk/news/featurednews/title_53723_en.html> accessed 7 September 2019

*from either mainstream or extremist nationalist reports or commentaries in the media*¹⁴⁰.

The study was based on information gathered in interviews with victims and witnesses of hate crimes, including previous supporters of the British National Party and police officers. It reiterated that the media provided motivation for a significant number of anti-Muslim hate crimes' through their negative portrayal of Muslims, referring to them as terrorists or sympathisers. David Sapsted states in his article, '*Media and politicians blamed for hate crimes*', that Peter Osborne, the right-wing journalist for *The Daily Mail*, discusses his own concerns regarding the negative representation of Muslims¹⁴¹. Osborne writes that,

*"The constant assault on Muslims from certain politicians, and above all in the mainstream media, has created an atmosphere where hate crimes, ranging from casual abuse to arson and even murder, are bound to occur and are even in a sense encouraged by mainstream society"*¹⁴².

The report highlights the attempt to prove a causal link between 'anti –Muslim views held by extremists' and 'what is published in the mainstream media'¹⁴³. Interestingly it states,

*'An experienced BNP activist in London explains that he believes that most BNP supporters simply followed the lead set by their favorite tabloid commentators that they read every day'. 'When these commentators singled out Muslims as threats to security and social cohesion, he says that it was perfectly natural for BNP supporters to adopt the same thinking'*¹⁴⁴.

The interviews emphasized that it was extremely apparent that the main offenders of this violence was in fact simply individuals who came from a '*wide range of backgrounds who feel licensed to abuse, assault and intimidate Muslims in terms that mirror elements of mainstream media and political comment that became commonplace during the last decade*'¹⁴⁵.

¹⁴⁰ University of Exeter (n139)

¹⁴¹ David Sapsted, The National, 'Media and politicians blamed for hate crimes' <<https://www.thenational.ae/world/europe/media-and-politicians-blamed-for-hate-crimes-1.571996>> accessed 7 September 2019

¹⁴² Sapsted (n 141)

¹⁴³ University of Exeter (n139)

¹⁴⁴ University of Exeter (n139)

¹⁴⁵ University of Exeter, 'New Research leads focus on anti-Muslim hate crime' <https://www.exeter.ac.uk/news/featurednews/title_53723_en.html> accessed 7 September 2019

Current literature argues that another cause for concern regarding the reporting by the British tabloids of the EU referendum was the journalism surrounding the idea that migrants were taking ‘British’ jobs. Indeed, Professor Thom Brooks writes that the Leave campaign won partly due to public anxieties regarding the levels of immigration and that ‘Leavers’ responded due to their perception that by leaving the EU they would somehow have stricter border controls, thus leading to a reduction in immigration¹⁴⁶. In fact, immigration has firm controls just like any other form of freedom; however, this message was never conveyed to the electorate. Brookes states that ‘*these facts made little difference*’¹⁴⁷.

Existing reports also point to the fact that the actual reporting on the issues of immigration more than tripled during the EU referendum¹⁴⁸. Furthermore, the analysis of the consequences of immigration that was described in the British tabloids was ‘*overwhelmingly negative*’¹⁴⁹. For example, in the media, migrants were blamed for many of Britain’s economic and social problems¹⁵⁰. Headlines such as ‘*Polish Invasion*’ and ‘*Take back our borders*’ were constantly splayed across the tabloids. One of Britain’s bestselling newspaper, *The Sun*, also joined the debate. With eye catching headlines such as ‘*Tell us the Tooth*’ which called for refugee children to have their teeth examined to prove they were actually children, dominated the front papers¹⁵¹. Confirming this, in the *Journal of Ethnic and Migration Studies*, Alina Rzepnikowska writes that ‘*the reporting of immigration more than tripled over the course of*

¹⁴⁶ Thom Brooks, ‘Early reflections from leading UK academics’. EU Referendum Analysis 2016: Media, Voters and the Campaign, [2016] 85

¹⁴⁷ Thom Brooks (n 146)

¹⁴⁸ Alina Rzepnikowska, Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote, *Journal of Ethnic and Migration studies*, [2018]

¹⁴⁹ Alina Rzepnikowska (n 148)

¹⁵⁰ Alina Rzepnikowska (n 148)

¹⁵¹ Jack Royston and James Mills, *The Sun*, ‘TELL US THE TOOTH’, MPs demand dental tests of ‘child’ migrants as concerns grow over ages of asylum kids arriving in Britain who look closer to 40 < <https://www.thesun.co.uk/news/2003927/mps-demand-dental-tests-of-child-migrants-as-concerns-grow-over-ages-of-asylum-kids-arriving-in-britain-who-look-closer-to-40/>> accessed 7 September 2019

the EU campaign'¹⁵². *The Sun* and other tabloids such as the *Daily Mail* and *The Express* tirelessly pursued and displayed disturbing front page banners blaming migrants for Britain's economic position. The *European Commission against Racism and Intolerance* (ECRI) made a statement regarding this and criticised the way the tabloids reported, stating that their terminology was, '*offensive, discriminatory and provocative*'¹⁵³.

What appears to be apparent is that during the referendum the tabloids repeatedly and relentlessly reported on migrants living in the UK. Rzepnikowska considers that through political debate the way migrants are viewed by the British public is influenced and affected by such rhetoric¹⁵⁴. Rzepnikowska demonstrates this through interviews held with participants before and after the EU referendum¹⁵⁵. Rzepnikowska explains this further and states that this influence affects the day to day encounters between British and Polish people. Furthermore, that initially Polish people were viewed as 'unproblematic' but the rising tensions surrounding uncontrolled immigration played on the anxieties of the electorate and as such the media and political 'rhetoric' has changed¹⁵⁶.

Most importantly, it was noted that whilst the media initially focused on the positive work ethics of migrants, '*the mood soon shifted to a more ominous tone*'¹⁵⁷. Evidence of this can be seen in newspaper reports as migrants were seemingly held responsible for numerous monetary and community troubles. An example of this can be seen in the headlines from *The Sun* newspaper, displaying anti refugee headlines such as '*Halt the Asylum Tide Now*' and '*Draw a Red line on Immigration or else*'. *The Daily Mail* ran similar attention-grabbing stories with

¹⁵² Alina Rzepnikowska, Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote, *Journal of Ethnic and Migration studies*, [2018]

¹⁵³ Alina Rzepnikowska (152)

¹⁵⁴ Alina Rzepnikowska (n 152)

¹⁵⁵ Alina Rzepnikowska (n 152)

¹⁵⁶ Alina Rzepnikowska (n 152)

¹⁵⁷ Alina Rzepnikowska (n 152)

front page words like ‘*The Swarm in Our Streets*’ and ‘*foreign workers get 3 in 4 new jobs*’¹⁵⁸. A journalist from Vox media suggests that the tabloids have exploited the suffering of refugees to sell its newspapers, and at the same time they drive up fear and hostility¹⁵⁹. Vox highlights the tabloids negative commentary regarding migrants, expressing that such headlines from *The Daily Mail*, for instance, ‘*True Toll of Mass Migration on UK Life*’ and ‘*Migrant Influx Fuels New Crisis in Schools*’, serves to impose fearmongering amongst the British public. Further, the *Sun* blatantly takes one step more towards abhorrent behaviour with venomous headlines such as, ‘*Rescue boats? I’d use gunships to stop migrants*’. Using such extreme examples of war like rhetoric to spread panic and anxiety in their readers may influence some people to take racist action. Just like the campaigns of political parties, using headlines and articles demonising migrants may cross the threshold of criminality and potentially encourage vigilante style behaviour.

Other tabloids, such as *The Daily Express* has also been unyielding in its approach towards immigration. Fear mongering front pages such as ‘*Migrants Grab 12000 Jobs a Month*’, have been all too common in their harsh portrayal of migrant’s contribution to British society. Roy Greenslade, a professor of journalism at City University, writes that a recent analysis revealed that *The Daily Express* and *The Daily Mail* ‘*lead the way in negative coverage of asylum-seekers, refugees and immigrants*’. Greenslade praises the study by Lis Gerrad titled, “*The press and immigration: reporting the news or fanning the flames of hatred?*”¹⁶⁰, as a ‘*fine piece of work*’. Greenslade reiterates that the analysis ‘*makes for uncomfortable reading*’ but ‘*it is a factual account of truly industrial-scale misreporting and misrepresentation*’¹⁶¹. Gerrad

¹⁵⁸ Max Fisher, Vox, ‘Nothing captures Western hypocrisy on refugees like these British tabloid front pages’ <<https://www.vox.com/2015/9/3/9252649/syrian-refugee-boy-british-tabloids>> accessed 9 September 2019

¹⁵⁹ Vox (n 158)

¹⁶⁰ Subscribe, ‘Notes on the best and worst of British journalism’ <<http://www.sub-scribe.co.uk/2016/09/the-press-and-immigration-reporting.html>> accessed 9 September 2019

¹⁶¹ Subscribe (n160)

uncovers in her study that since May 2010 there was a ‘disturbing pattern’ of ‘*wholly negative articles about refugees seeking asylum in Britain*’. The study further shows that the vilest offenders were *The Daily Express* and *The Daily Mail*. It also commented on other tabloids who, whilst were not as ‘*fervent*’ in their approach, still ‘*shared the same outlook*’¹⁶².

It seems that scaremongering regarding refugees by the British tabloids has been making headlines for years, explicitly centring on the fear of British people that migrants are taking over their jobs, benefits and ultimately their ‘British’ identity. The report by Gerrard certainly implies this. Garner *et al* and Hudson *et al* have explored this concept further and highlighted the fact that the media has influence over its readers when fuelling negative attitudes¹⁶³. Looking at the EU referendum from the perspective of UK migrants, sadly it appears to highlight some worrying sentiments concerning the attitudes and beliefs of the British public. Whether these beliefs were fuelled and encouraged by the reporting of the British tabloids has received much consideration. An interview with a Polish migrant in 2017 by Nowicka¹⁶⁴ gives an example of how the individual felt that the media portrayed them during the EU referendum,

*‘You open a newspaper and you see another article about Poland or Polish immigrants and you think, this newspaper reaches millions of people and there are some intelligent enough and they have knowledge enough to contradict it, but others have no idea and they will believe in what is written in the Daily Mail’*¹⁶⁵.

Comments like these are extremely worrying for the electorate and for the future of immigration. Another interviewee expressed that they can link ‘*xenophobic attitudes of British people with both politics and the populist media*’¹⁶⁶.

¹⁶² Subscribe (n160)

¹⁶³ M Hudson et al, Social Cohesion in Diverse Communities: Joseph Rowntree Foundation (2007), cited in Alina Rzepnikowska, Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote, [2018]

¹⁶⁴ M Nowicka, I Don’t Mean to sound Racist but ...’ Transforming racism in Transnational Europe (2017), cited in Alina Rzepnikowska, Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote, [2018], 13

¹⁶⁵ M Nowicka (n 164)

¹⁶⁶ Alina Rzepnikowska, Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote, Journal of Ethnic and Migration studies, [2018]

It has become clear through this analysis that in the lead up to the referendum vote, the reporting by the British tabloids appears to be intricately entwined with the rhetoric of political party campaigns, one seemingly influencing and perhaps encouraging the other, to impart their ideologies onto its readers. Perhaps the combination of UK political party speech and the writing of the British tabloids became a deadly amalgamation which influenced some people to carry out racial violence. Therefore, subsequent chapters will review their individual debates and methods of reporting separately and entwined. Whether each encouraged and aided the other in its purpose and inadvertently or intentionally contributed to hate crime, is a question to be fully explored and clearly defined. So far research has evidenced that the journalism of some tabloids in the lead up to the EU referendum was hostile towards migrants. In the following discussion chapters, attention will be given to whether such negative reporting resulted in motivating the responses of readers. Firstly though, the final point to consider is whether an actual ‘spike’ in hate crime occurred in the lead up to the referendum and if so, was this in part, the effect of British tabloid reporting and political party rhetoric influencing the populace.

Spike in Hate Crime

Some research does suggest that in the lead up to the referendum the debates and language surrounding the referendum may have created an upsurge in hate crime. For example, out of 134 reported hate crime incidents investigated, fifty-one of them included specific references to the EU referendum¹⁶⁷. Jon Burnett writes that between 16th June and 30th June, more than 3000 hate crimes committed across the UK were reported to the police, an increase of 42% compared with the same period in 2015. Moreover, other data shows that reported hate crime rose in London by more than 50% and that country wide hate crime rose by 58%, which then remained higher for two months afterwards¹⁶⁸. A senior police officer, Sir Bernard Hogan-Howe told a hearing at London's city hall that there was a 'horrible spike in hate crime' linked to the referendum¹⁶⁹. Even though this may appear to have been a short spike, dispelling within two months of the referendum, whether the cause of the 'spike' was actual events or an increase in reporting is not yet known.

Evidence presented at the same hearing by the London Mayors insight team showed a significant increase in hate crime in London. The team reported that in the 12 months to August 2016, hate crime increased by 16% and also that in the 38 days following the result there was a further '2,300 recorded race -hate offences compared with 1400 in the 38 days before the vote'. Sir Hogan-Howe made reference to the evidence that many of the victims were eastern Europeans and stated that it appears that eastern Europeans were specifically targeted. An example of hate crime being purposely directed at Polish migrants can be seen in the senseless death of Arkadiusz Jozwik, a 40-year-old Polish man. Jozwik was killed in an apparently

¹⁶⁷ Jon Burnett, *Racial violence and the Brexit state*, [2016], London Institute of Race Relations: London: Sage,

¹⁶⁸ Matthew Harries, *Britain's Dangerous New Politics*, [2016], *Survival*, 58:6, 31-42.

¹⁶⁹ M Weaver, *The Guardian*, 'Horrible spike' in hate crime linked to Brexit vote, Met police say' <<https://www.theguardian.com/society/2016/sep/28/hate-crime-horrible-spike-brexit-vote-metropolitan-police>> accessed 9 September 2019

racially motivated attack by teenage boys in Harlow, Essex. Other examples of Polish migrants being pursued are given in the journal of Ethnic and Migration studies. For instance, Rzepnikowska¹⁷⁰ writes regarding a recent interview with Nikola, a Polish woman. Nikola states that she was attacked violently in a bar in Manchester because she was speaking Polish. The attacker ridiculed her accent and repeatedly said that he couldn't understand her¹⁷¹.

It is evident then from official UK government data that there was a significant rise in hate crime surrounding the EU referendum and migrants in particular were affected. This data will be further explored throughout the subsequent discussion chapters. However, to give a firm overview of a potential 'spike' in hate crime, it is also useful to consider the possibility that some hate crimes are underreported. An example given by the former shadow police minister Jack Dromey is significantly worrying. Dromey states that figures may be higher as '*victims are afraid to come forward and so the scale of attacks could be far higher than what is being reported*'¹⁷². The United Nations confirms this idea by saying '*the problem of underreporting hate crime persists in Britain*'¹⁷³. Rzepnikowska discusses this point further and suggests that many incidents are not reported to the police. For example, one interviewee said that teenagers knocked down her rubbish bins, kicked her door and '*showed their naked bums*'¹⁷⁴. This incident was never reported to the police, showing that a considerable amount of racism and xenophobia and specifically hate crime, may go under reported¹⁷⁵.

¹⁷⁰ Alina Rzepnikowska, Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote, Journal of Ethnic and Migration studies, [2018]

¹⁷¹ Alina Rzepnikowska (n170) 10.

¹⁷² Alan Travis, The Guardian, 'Lasting rise in hate crime after EU referendum, figures show' <<https://www.theguardian.com/society/2016/sep/07/hate-surged-after-eu-referendum-police-figures-show>> accessed 9 September 2019

¹⁷³ The United Nations, 'Where global solutions are shaped for you' <<https://search.un.org/results.php?query=%20hate%20crime%20persists%20in%20Britain&lang=en&tpl=un>> accessed 9 September 2019

¹⁷⁴ Alina Rzepnikowska (n 170)

¹⁷⁵ Alan Travis, The Guardian (n 172)

Looking at past research on reporting of hate crimes it shows an historical view of underreporting of crimes. For instance, a Home Office report issued in 2013 found that the level of reporting of hate crime had fallen 51% since 2008, a massive reduction in just over five years¹⁷⁶. The most common reason found for victims not reporting hate crimes to the authorities was that they believed little would be done by the police. The Assistant Chief Constable of the time, Dre Harris makes an important point that there is a, '*significant difference between police-recorded hate crime and the Crime Survey because hate crime is still massively underreported*'¹⁷⁷. According to new research a significant number of hate crimes go unreported each year¹⁷⁸. Therefore, the true figure regarding hate crimes could be potentially much higher¹⁷⁹. Whether the victims hold the view that the police may do little to combat hate crime because of institutional racism within the UK police force, or fear of repercussions is worthy of further discussion but is currently outside the scope of this paper. However, what is quite plain to see is that the current data on reported hate crimes evidences a worrying 'spike' in hate crime in the lead up to the EU referendum. Therefore, even greater care must be taken when analysing statistical data on reported hate crimes.

Consequently, having measured the current research surrounding a 'spike' in hate crime, official data and reported incidents of racial violence, it is extremely important to determine if based on the evidence presented, the UK political party campaigns and British tabloids influenced the motivation and responses of readers. Whether there is a definite connection between the already documented upsurge and the reasons behind the motivations and responses of readers is extremely important to pursue. The evidence already outlined appears to show

¹⁷⁶ Dick Skellington, The Open University, Race and hate crime go underreported because people believe police will do little' <<https://www.open.edu/openlearn/people-politics-law/politics-policy-people/society-matters/race-and-hate-crime-go-unreported-because-people-believe-police-will-do-little>> accessed 9 September 2019

¹⁷⁷ Dick Skellington (n176)

¹⁷⁸ Science Daily, 170,000 hate crimes go unreported in the UK each year, according to new research' <<https://www.sciencedaily.com/releases/2016/10/161020092232.htm>> accessed 9 September 2019

¹⁷⁹ Science Daily (n178)

that the increase in hate crime was a response to anti-immigrant rhetoric. Conversely, perhaps it was simply that the victors had a 'winning formula' that produced the desired results and in no way contributory to the documented rise in hate crime. Or perhaps their audience simply refused to 'move on' from the issues flaunted by politicians and paraded across British tabloid headlines. However, if their conduct can be linked to encouragement by the journalistic writings of British tabloids and the campaigns led by UK political parties, then it may be said that either individually, or jointly, the British tabloids and political parties, may have contributed to hate crime.

DISCUSSION CHAPTERS

Portrayal of Migrants

Modern research has concentrated on how hate crime in Britain, particularly against migrants, has changed and evolved over the years and has illustrated it as having a firm narrative throughout time. Rae Sibbitt¹⁸⁰ argues that *‘widespread prejudice attitudes towards minority groups in Britain have a lengthy history’*¹⁸¹. Ackroyd seeks to reiterate this point in his biography of London and states that *‘evidence of suspicion, prejudice and brutality towards immigrant’s date back to the twelfth century’*¹⁸². Therefore, aggression anger and intimidation is nothing new towards minority groups¹⁸³. It was suggested that they would ‘swamp’ the county, and were accused of taking jobs from native Londoners, thus giving way to irrational fears¹⁸⁴. At this time they could not have apprenticeships with Christian masters, and thus the fears surrounding employment were false. Striking contemporary similarities seem to echo the feelings of the eighteenth century as comparable accusations were made by UK politicians. The themes continued through the dramatic headlines by the British tabloids. For example, the word ‘swamp’ has been used by the British tabloids and politicians during the EU campaign in reference to migrants.

What is evidenced is that in the years preceding the European Referendum British tabloid reporting sent out positive messages regarding immigration and focused on the, *‘hardworking, value for money, diligent work ethics of Polish migrants’*¹⁸⁵. Migrants were viewed by the

¹⁸⁰ Rae Sibbitt, *The Perpetrators of Racial Harassment and Racial Violence* (1997) Home Office Research Study No. 176, cited in Nathan Hall, *Hate crime* [2005], 39

¹⁸¹ Rae Sibbitt (n 180)

¹⁸² P Ackroyd, *London: A Biography*, (2000), cited in Nathan Hall, *Hate crime* [2005], 38

¹⁸³ P Ackroyd (n182) 8.

¹⁸⁴ P Ackroyd (n182) 38.

¹⁸⁵ Alina Rzepnikowska, *Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote*, *Journal of Ethnic and Migration studies*, [2018]

public as having a monetary worth to the country. Yet after the economic crisis in 2008 there was a definitive ‘rhetorical shift’¹⁸⁶. Consequently, Polish migrants became portrayed as an economic threat. Similarly, in the lead up to the EU referendum, newspaper references began to centre around a strain on social services, job shortages and unemployment. Subsequently tabloid coverage on immigration more than tripled. This attention on immigration became significantly negative, particular in *The Sun*, *The Daily Mail* and *The Express*¹⁸⁷. For instance, the European Commission against Racism and Intolerance made statements regarding the ‘*offensive and provocative terminology*’¹⁸⁸ that the British tabloids used against migrants during the referendum. Indeed, exact parallels can be drawn between language that was used in the eighteenth century and the headlines used in today’s tabloids. Negative, attention grabbing wording was used by *The Daily Mail* such as, ‘*Swarm on our Streets*’¹⁸⁹. Equally today’s politicians have used extremely emotive language with the word ‘swamp’ being high on the list of chosen phrases. In 2014 the Defence Secretary Michael Fallon was criticised for saying that Britain was ‘*under siege*’ from EU migrant workers and some communities’ *risked being ‘swamped*’¹⁹⁰.

It is also clearly documented that there was a ‘*wave of racist hate unleashed against migrants*’ in the weeks immediately after the referendum result. For instance, Komaromi¹⁹¹ cited in Virdee et al found that more than 6,000 cases of hate crime were reported to the National Police Chiefs Council in the four weeks after the announcement that the majority of the people of the

¹⁸⁶ Alina Rzepnikowska (n185)

¹⁸⁷ M Moore and G Ramsay, UK Media Coverage of the EU Referendum Campaign (2017), cited in Alina Rzepnikowska, Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote [2018], 6.

¹⁸⁸ M Moore *et al* (n 187)

¹⁸⁹ Press Reader, The Daily Mail, ‘The ‘Swarm’ on our streets’ < <https://www.pressreader.com/>> accessed 9 September 2019

¹⁹⁰ Ben Wright, BBC News (October 2014), ‘EU migrants could ‘swamp’ UK- defence minister Fallon warns’ <<https://www.bbc.co.uk/news/av/uk-29780384/eu-migrants-could-swamp-uk-defence-minister-fallon-warns>> accessed 9 September 2019

¹⁹¹ P Komaromi, Post-referendum Racism and Xenophobia: The Role of Social Media Activism in Challenging the Normalisation of Xeno-racist Narratives (2017), cited in Satnam Virdee, Racism, Crisis, Brexit [2018], 1808

United Kingdom had voted to leave the European Union. Episodes of racial violence resonated across the country with incidents of verbal and physical abuse being reported against minorities and their families. Testimonies by individuals recalled how comments were made such as ‘*dirty paki scum*’ and ‘*shouldn’t you be back on a plane*’¹⁹². Further malicious remarks like, ‘*fuck off*’, ‘*leave*’ and ‘*go home*’ were in at least 51% of the incidents¹⁹³. Therefore, similarities between past fears of migrants taking jobs and those raised during the European Referendum are quite frighteningly and unmistakably still evident in today’s society. Moreover, the manner in which UK politicians and the British tabloids conducted themselves during the referendum seemingly fuelled an even greater resentment towards minority groups. An example of this is visibly evident in the events that transpired in Harlow Essex just after the referendum result. This event in August 2016, saw a group of young boys carry out a brutal attack on an Eastern European migrant after he was heard speaking Polish. The man later died from his catastrophic injuries.

Whilst it has been discussed that the idea of racial violence is not a new phenomenon towards migrants in Britain, it does not mean that the tone of the referendum campaign should be ignored. Virdee et al summarises the portrayal of migrants during the referendum quite eloquently. ‘*How could it come to pass that the first formal break from the thirty –year neoliberal consensus in Britain was marbled through such racism and violence*’¹⁹⁴. What is extremely worrying is that the perpetrators of the violence made little attempt to distinguish between black and brown citizens and white European migrants¹⁹⁵.

¹⁹² Satnam Virdee et al, Racism, Crisis, Brexit. *Ethnic and Racial Studies*, [Online] 41 (10), 1802-1819.

¹⁹³ Satnam Virdee et al (n 192)

¹⁹⁴ Satnam Virdee et al (n 192)

¹⁹⁵ Satnam Virdee et al (n 192)

In the following discussion chapters the representation of migrants and also the depiction of immigration by the British tabloids and UK political parties in the lead up to the EU referendum will be documented. Ultimately this thesis seeks to answer the question surrounding whether UK political party campaigns and the reporting by British tabloids motivated reader responses and by doing so contributed to hate crime. Consideration is also given in the ensuing chapters as to whether the conduct of politicians and the editorials of British tabloids crossed the threshold of criminality regarding ‘stirring up’ racial hatred. So far it appears that migrants have been described as being a threat to the economy and blamed for the nation’s misgivings. Using such highly controversial language by politicians and media outlets, it may be justified to say that they sought to influence and motivate the responses of readers. At this point, what cannot be easily refuted is that negative rhetoric of any kind leaves its mark on its victims. The next chapter documents a recorded ‘spike’ in hate crime in the lead up to the referendum vote.

Recorded Spike

Reviewing the conduct of the British tabloids and the behaviour of political parties alone will not determine if they potentially influenced the responses of readers. It is also important to clarify whether any actual ‘spike’ in hate crime occurred during the EU referendum.

Examining the ‘*Statistical News Release: Hate Crime, England and Wales, 2016/17*’, released by the Home Office in October 2017, gives a substantial representation of the number of recorded hate crimes. One of the key points of the bulletin was the actual amount of offences recorded in 2016/17 compared with crimes recorded a year earlier. For instance, in 2015/16, the number of offences recorded in which ‘*one or more hate crime strands were deemed the motivating factor*’ was 62,518 compared with 80,393 in 2016/17, a 29 percent increase. This substantial increase was the largest recorded since the series began in 2011/12¹⁹⁶. From the total of 80,393 recorded offences, 62,685 78% were race hate crimes. This figure is extremely significant when attempting to determine if the referendum was a contributory factor for racial violence in the lead up to and after the referendum result.

Hate crime strand	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	%change 2015/6 to 2016/17
Race	35,944	35,845	37,575	42,862	49,419	62,685	27
Religion	1,618	1,572	2,264	3,293	4,400	5,949	35
Sexual orientation	4,345	4,241	4,588	5,591	7,194	9,157	27
Disability	1,748	1,911	2,020	2,515	3,629	5,558	53
Transgender	313	364	559	607	858	1,248	45
Total number of motivating factors	43,968	43,933	47,006	54,868	65,500	84,597	29
Total number of offences	N/A	42,255	44,577	52,465	62,518	80,393	29

Table 1: Hate crimes recorded by the police by monitored strand, 2011/12 to 2016/17 - Home Office - Police recorded crime¹⁹⁷

¹⁹⁶ Home Office, ‘Hate crime, England and Wales (2016-2017)’

<<https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2016-to-2017>> accessed 9 September 2019

¹⁹⁷ Home Office (n 196)

In addition to the data released regarding the year on year hate crime offences, the statistical bulletin also outlined a number of spikes that directly relate to racially or religiously aggravated offences in 2017. From the diagram below (Table 2), it is apparent that there were a number of spikes in racially or religiously aggravated offences. These were in June 2016 (the EU Referendum result), March 2017 (Westminster Bridge attack), May 2017 (Manchester Arena attack) and June 2017 (London Bridge/Borough Market and Finsbury Park Mosque attack)¹⁹⁸.

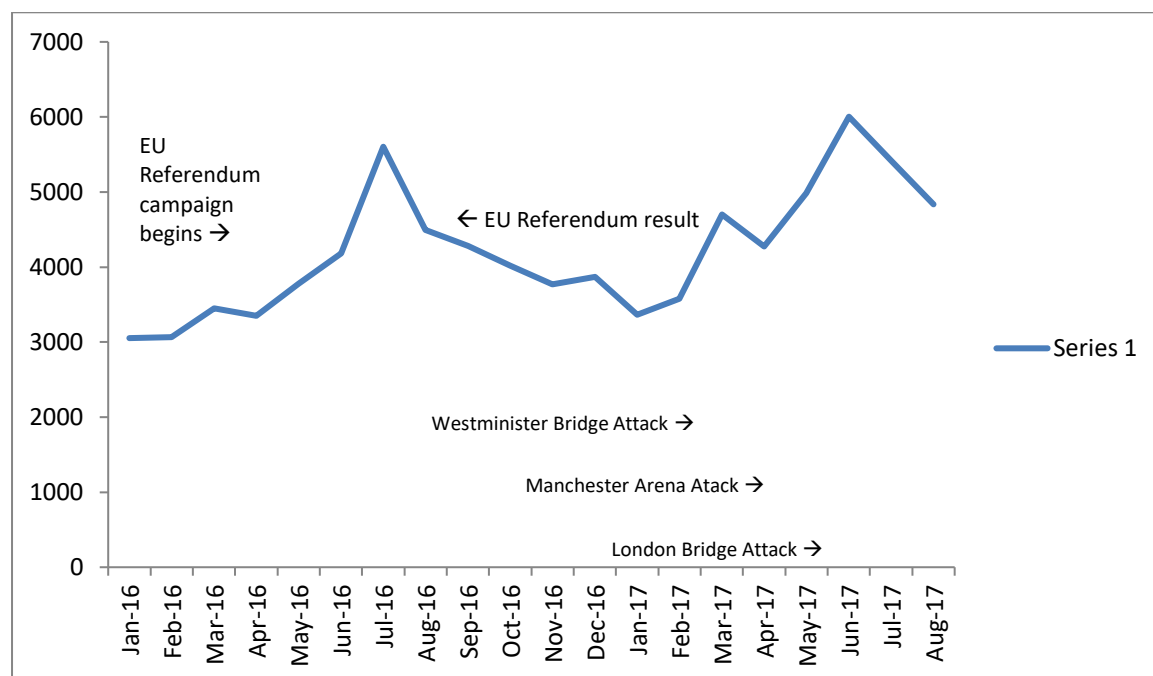


Table 2 – Home Office - Number of racially or religiously aggravated offences recorded by the police, January 2016 to August 2017¹⁹⁹

Daniel Devine²⁰⁰ examines this official data from the UK government and explains that there is a ‘clear contemporaneous impact of the referendum result on the time series, equivalent to those of the Manchester and Finsbury Park terrorists’ attacks’. This data shows undoubtedly that the referendum led to an increase in hate crime by 31 a day. Devine continues that, ‘what

¹⁹⁸ Home Office, ‘O. S. (2017, October 17) Table 2: Hate crimes recorded by the police, by monitored strand1,2, 2011/12 to 2016/17’ < <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2016-to-2017>> accessed 9 September 2019

¹⁹⁹ Home Office, Table 2 (n 198)

²⁰⁰ Daniel Devine, The UK referendum on Membership of the European Union as a Trigger Event for Hate Crimes, [2018], Division of Politics and International Relations, 4

*is quite remarkable here is that it is an even larger increase than the two described terrorist attacks, each being 21 and 23 respectively*²⁰¹.

Without doubt in 2016/17 race related offences had increased dramatically compared with earlier years. Whether the data indicates an increase in occurrence or simply more reporting by the police is very relevant to this study. This was discussed within the report and concluded that, the increase over the last year is thought to reflect both a '*genuine rise in hate crime*' around the time of the EU referendum and following the Westminster Bridge terrorist attack, as well as ongoing improvements in crime recording by the police²⁰². These improvements in recorded hate crime have been partly due to a review by Her Majesty's Inspectorate of Constabulary in 2014²⁰³ and a growing awareness of hate crime through engaging with community leaders on the topic.

However, Home Office data has undoubtedly shown that there was indeed an increase in hate crime at the time of the EU referendum. Whether this 'spike' was caused by the negative language of politicians and just as importantly, whether this 'spike' corresponds with the prevalent issue of immigration that dominated the UK press, is paramount to this study. Furthermore, in order to discuss accountability and responsibility of political parties and the British tabloids the following chapters analyses their behaviour and conduct in the lead up to the EU referendum.

²⁰¹ Daniel Devine (n 200)

²⁰² A O'Neill, Home Office, 'Hate Crime, England and Wales, 2016/17 Statistical Bulletin 17/17 17' <<https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2016-to-2017>> accessed 9 September 2019

²⁰³ HMICFRS, Crime data integrity force reports' <<https://www.justiceinspectorates.gov.uk/hmicfrs/publications/crime-data-integrity-force-reports/>> accessed 9 September 2019

Political Party Rhetoric

The result of the 2016 EU referendum result appeared to divide the country with 51.9% in favor of leaving the EU and 48.1% voting remain. Research points to the fact that after the results were announced Britain entered a period of '*dangerous politics*'²⁰⁴. Brexit as it came to be known had two clear sides, Remain and Leave. At the beginning of June 2016 the Liberal Democrats and all other minor parties were predominantly Remain with the exception of the UK Independence Party (UKIP) who was 100% Leave. The majority of the Labour party were pro Remain and the Conservatives were divided between both. Each political party had their own apparently harmless agendas and set about in great earnest to capture the majority votes of the electorate.

In the lead up to the EU referendum though, leading academics have implied that the rhetoric of some political parties and their individual representatives has been 'toxic' 'racist' and instigated a 'moral panic' throughout the UK. Stan Cohen was first to define the concept of moral panic in the UK with the initial purpose of studying social reaction to youth subcultures as a social problem²⁰⁵. Canadas Open University gives their definition of a Moral Panic as '*a panic or overreaction to forms of deviance or wrong doing believed to be threats to the moral order*'²⁰⁶. Moral panics are usually framed by the media and led by community leaders or 'group's intent on changing laws or practices'²⁰⁷. Through initiating a moral panic, under the pretence of upholding democracy, UK politicians during the EU referendum may have caused great harm to the issue of immigration and consequently migrants and their families living in Britain.

²⁰⁴ Matthew Harries, Britain's Dangerous New Politics, [2016], Survival, 58:6, 31-42.

²⁰⁵ Chas Critcher, Oxford Research Encyclopaedias (March 2017), Criminology and Criminal Justice, 'Moral Panics' <<http://oxfordre.com/criminology/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-155>> accessed 9 September 2019

²⁰⁶ Oxford Research Encyclopaedias (n 205)

²⁰⁷ Oxford Research Encyclopaedias (n 205)

When considering the two distinct sides of the referendum it is apparent that the Leave campaigners were relentless with their vision for a future Britain. Their canvassing centered on the topic of immigration and controlling British borders. Compelling messages were made by the Leave camp and a formidable drive towards rectifying Britain's previous mistakes concerning immigration was sold to an already volatile public. This was extremely astute of the Leave campaigners as they understood that immigration was, for many of the electorate, a topic of extreme concern. Virdee *et al* reiterates this point by saying,

*'Politicians such as Nigel Farage have little work to do, he can parachute into a constituency and let racism do its work, since he is able to draw not just on the 'mainstream political consensus' but on active and long standing forms of consciousness'*²⁰⁸.

Throughout the referendum it seems that Nigel Farage in particular was relentless in his criticisms of the European Union and centered much of the campaign on the role that migrants play in British society. For instance, Farage commented that the EU had done great harm to Britain by facilitating uncontrolled immigration²⁰⁹, making comments such as,

*'Open door migration has suppressed wages in the unskilled labour market, and that life has become a lot tougher for so many in our country'*²¹⁰. According to Virdee²¹¹ Farage purposely linked events surrounding displaced Syrians and others escaping war in order to make the claim that *'EU's open borders make us less safe'*²¹². By making claims like this Virdee suggests that Farage was able to make more outrageous claims such as *'getting our borders back, our democracy back'* and through exiting the EU, Britain could restrict the entry of 'undesirables' and 'make Britain safe'²¹³. Another extremely powerful message that Nigel Farage put forward

²⁰⁸ Satnam Virdee and Brendan Mcgeever, 'Racism, Crisis, Brexit. Ethnic and Racial Studies' [2018] [Online] 41 (10), 1802–1819.

²⁰⁹ The Express (2016), cited in Satnam Virdee *et al*, 'Racism, Crisis, Brexit. Ethnic and Racial Studies', [2018], 1806.

²¹⁰ The Express (n 209)

²¹¹ Satnam Virdee *et al* (n 208)

²¹² The Express (n209)

²¹³ The Express (n209)

to the electorate was that to vote Remain would mean risking the safety of its citizens through uncontrolled mass immigration. This untruth came in the form of the 'Breaking Point' poster. With a message strewn across for all to see was the subheading, '*We must break free of the EU and take back control*'.

A further example of influential politicians can be seen several decades earlier when Enoch Powell's infamous 'rivers of blood'²¹⁴ speech helped to shape the United Kingdom's immigration policy. Powell used 'highly emotive language' to plea for an end to immigration whilst condemning the government's perceived betrayal of the 'British' electorate because of its open door policies²¹⁵. Even though Powell was removed from the Conservative shadow cabinet, he benefited from extensive media coverage. Such coverage gave firm support to the issues that Powell raised. Consequently, this led to implementation of legislation which curbed the rights of New Commonwealth migrants; the *Commonwealth Immigrants Act 1968* and the *Immigration Act 1988*²¹⁶. This theme continued a decade later when Margaret Thatcher passed the *British Nationality Act 1981*. Being driven by Thatcher's public declaration regarding fears that Britain is being 'swamped' by an 'alien' culture²¹⁷, parliament removed the automatic right to citizenship for those born on British soil.

This type of policy and way of thinking by government serves to reinforce a xenophobic attitude and proves that politicians could sway the public, even on such biased and intolerant topics. Depending on how this information is received it may have a negative effect on people of different cultures and could possibly encourage citizens to carry out racial violence on those

²¹⁴ Rivers of Blood, 'Enoch Powell's "Rivers of Blood" Speech (1968)'

<http://www.riversofblood.uk/rivers_of_blood_enoch_powell.asp> accessed 9 September 2019

²¹⁵ Neil Chakraborti and Jon Garland, *Hate crime : impact, causes and responses* (Los Angeles, SAGE 2009), 21.

²¹⁶ B Bowling and C Philips, *Racism, Crime and Criminal Justice* (Harlow: Pearson 2002), cited in Neil Chakraborti and Jon Garland, *Hate crime : impact, causes and responses* [2009], 21.

²¹⁷ Neil Chakraborti and Jon Garland (n 215)

they perceive as ‘foreign’. It also reinforces the beliefs that it is acceptable to outwardly express hatred towards people from other countries.

The representatives for the Leave campaign knew that they had ‘struck gold’ when they made the decision to focus on migrants and the proposed threats to British citizens. It was a topic that many readers could engage with, unlike the issue of the economy and EU laws. Virdee discusses that the Leave campaigners knew that the issue of immigration had been racialized through time and because of that, ‘*latent racism could be activated through the production of appropriately coded language about immigration*’²¹⁸. Therefore, politicians for the Leave camp could ‘obey the rules of racial thinking’ but at the same time they could indicate to the electorate that Brexit was about maintaining a Christian and white nation. Perhaps this led the public to believe that voting to leave the European Union was all about one’s ethnicity which can only be described as toxic.

Virdee *et al* ²¹⁹ suggests that Leave campaigners tried to hide their lethal speech by appearing to imply that controlling borders was merely a ‘*pragmatic response to the growing economic and political security*’²²⁰. However, it soon became clear that the tone of the campaigns was developing a dangerous stance. For instance, Nigel Farage stated that immigration had turned Britain into something that resembled a ‘foreign land’²²¹. Appealing to the public’s sense of nationality and sovereignty, Farage unscrupulously and without consideration to Britain’s migrant population, suggested that immigration and migrants by default were the nation’s ‘problem’. Further harmful messages were flowing from individual politicians supporting the

²¹⁸ Satnam Virdee and Brendan Mcgeever, ‘Racism, Crisis, Brexit. Ethnic and Racial Studies’ [2018] [Online] 41 (10), 1802–1819.

²¹⁹ Satnam Virdee and Brendan Mcgeever (n218)

²²⁰ Satnam Virdee *et al* (n 218)

²²¹ Matthew Harries, Britain’s Dangerous New Politics, [2016], *Survival*, 58:6, 31–42.

vote to Leave. For example, Steve Corbett²²² refers to the poster that Farage posed by and states that the poster had ‘chilling echoes of Nazi propaganda’.

Another area of concern is the potential influence that political party rhetoric may have had on the electorate. For example, Jo Cox, the murdered Labour MP was well known for her active campaigning against discrimination and prejudice. As discussed earlier, the man who carried out the attack had shouted ‘*put Britain first*’, suggesting that he had been influenced by negative rhetoric coming out from political parties who backed the vote to leave. Britain First was also a political group that was founded by former members of the British National Party and their manifestos championed Britain’s removal from the European Union. Upon release of the information regarding Mair’s comments, Britain First was quick to deny any involvement with Mair and issued a statement saying that the phrase ‘*could have been a slogan rather than a reference to our party*’²²³. The page on Britain’s First website displaying the statement has since been removed.

Whilst Mair was declared as mentally unstable and cannot be seen to wholly represent the electorate, the words of the judge sentencing Mair are thought provoking. Upon delivering his verdict, Mr. Justice Wilki stated that he had no doubt that Mair murdered Cox to ‘*advance a political, radical, and ideological cause – that of violent white supremacism and exclusive nationalism most associated with Nazism*’²²⁴. Even the prosecutors on the case acknowledge privately that ‘*the febrile atmosphere in which the EU referendum campaign was waged*

²²² Steve Corbett, S (2016). The Social Consequences of Brexit for the UK and Europe., Euroscepticism, Populism, Nationalism, and Societal Division. International Journal of Social Quality 6 (1) 11-31, 20

²²³ Patrick Foster, The Telegraph, ‘Britain First: Who are the far-right group whose name was 'shouted by Jo Cox gunman'?’ <<https://www.telegraph.co.uk/news/2016/06/16/britain-first-the-far-right-group-with-a-massive-facebook-follow/>> accessed 9 September 2019

²²⁴ BBC News, ‘Jo Cox murder: Judge's sentencing remarks to Thomas Mair’ <<https://www.bbc.co.uk/news/uk-38076755>> accessed 9 September 2019

*appears certain to have contributed to Mair's decision to murder his MP*²²⁵. Whilst it cannot be proven that Thomas Mair was persuaded by the negative speech of any political party, least of all by a far-right group such as Britain First, it is extremely clear that Mair's ideologies were centered on far-right extremism and anti-immigrant sentiment²²⁶.

Consequently, the question being considered as to whether UK political party campaigns influenced the electorate to the point that they felt compelled to carry out racial violence, seems to be clear. Certainly, leading academics such as Virdee²²⁷ supports this suggestion. Virdee's theory proposes that those behind the release of such toxic language may have fueled the motivations and responses of the electorate and consequently their actions may have incited racial violence²²⁸. Adding further collaboration to this idea, a UN body for the elimination of racial discrimination speaks of the inflammatory rhetoric and the campaigns of UK political parties. The UN body writes with reference to the EU referendum in that,

*'Many politicians and prominent political figures not only failed to condemn it but also created and entrenched prejudices, thereby emboldening individuals to carry out acts of intimidation and hate towards ethnic or ethno-religious minority communities and people who are visibly different'*²²⁹.

Therefore, it is argued that the Leave campaign's debates, and the commentaries of individual politicians emphatically affected the electorate. The result on 26th June 2016 whereby the public voted to leave the European Union, certainly and unequivocally supports this. It is further argued that political parties, through their harmful rhetoric, contributed to hate crime in the lead up to the EU referendum.

²²⁵ Mathew Taylor and Ian Cobain, The Guardian, 'Far-right terrorist Thomas Mair jailed for life for Jo Cox murder (2016)' <<https://www.theguardian.com/uk-news/2016/nov/23/thomas-mair-found-guilty-of-jo-cox-murder>> accessed 9 September 2019

²²⁶ Mathew Taylor and Ian Cobain, The Guardian (n 225)

²²⁷ Satnam Virdee and Brendan Mcgeever, 'Racism, Crisis, Brexit. Ethnic and Racial Studies' [2018] [Online] 41 (10), 1802–1819.

²²⁸ Satnam Virdee *et al* (n 227)

²²⁹ Patrick Butler, The Guardian (August 2016) , 'Politicians fuelled rise in hate crimes after Brexit vote, says UN body' <<https://www.theguardian.com/politics/2016/aug/26/politicians-rise-hate-crimes-brexit-vote-un-committee>> accessed 9 September 2019

Following on from this assumption the next chapter considers whether the journalism of the British tabloids in the lead up to the EU referendum vote contributed to hate crime by negatively motivating the responses of readers.

British Tabloid Journalism

Reviewing the literature on the reporting of the British tabloids in the lead up to the referendum, what does seem to be questionable is how the media portrayed the campaign topics of each political party and the narratives that they shared with the British public. Dr Mike Berry²³⁰ theorizes that the media '*played an agenda setting role*' during the referendum campaign because they focused on particular individuals and polarized policies. Moreover, the media was portrayed as a distinct place whereby both sides of the referendum, Remain and Leave, battled it out to attempt to win the public vote. Furthermore, the message that the media displayed was a 'classic KISS (keep it simple stupid) one, a message that could be widely understood by the populist. Berry continues with discussing the media's involvement and states that apart from *The Mirror*, *The Independent* and *The Guardian*, the reporting by the British tabloids of the EU referendum has been unyielding in its hostility²³¹. It is exceedingly clear that the tabloids focused on unrelenting stories describing how migrants were 'sponging' off the welfare state and they became ever more frequent throughout the campaign. Similar stories of migrants 'bleeding' the NHS dry and carrying out criminal acts were also headlining the British tabloids.

To give a different perspective, perhaps the British tabloids were merely expressing the opposing party's views regarding membership of the European Union in order to give a balanced assessment. However, Mathew Harris²³² writes that dismissing this reaction as mere tabloid rabble-rousing would be a mistake. For instance, a journalist Andy Beckett²³³ states that '*newspapers, and especially tabloids, still help set the political agenda*'. Dr Rowinski a leading academic gives an example from *The Sun's* editorial, one of the tabloids that actively

²³⁰ Mike Berry, 'Early reflections from leading UK academics'. EU Referendum Analysis 2016: Media, Voters and the Campaign, [2016] 14.

²³¹ Mike Berry (n 230)

²³² Matthew Harries, Britain's Dangerous New Politics, [2016], Survival, 58:6, 31-42.

²³³ Andy Beckett, Revenge of the Tabloids, Guardian (2016), cited in Matthew Harries, Britain's Dangerous New Politics, [2016] 36.

supported the Leave campaign. The editorial stated that they were backing the departure from the EU, *'partly because it's a bloated, undemocratic and ruinously expensive political relic but also so that MP's could 'regain control over Britain's borders'*²³⁴²³⁵.

Such a glowing editorial for the Leave campaign can only be described as biased and grossly inaccurate. Rowinski²³⁶ further offers the suggestion that whilst tabloids claimed they were reporting the facts; such negative narrative was widespread in news stories and commentaries. Furthermore, Rowinski writes that some of the tabloids have *'acted irresponsibly'* and *'played a pivotal role in creating a crisis we now face'*²³⁷. Rowinski further suggests that there were, *'high levels of argumentation, metaphors and misinformation prevalent in mainstream newspaper discourse in the weeks before the EU referendum'*²³⁸. Giving support to this theory is evidenced through the correction that *The Daily Mail* was forced to print. *The Daily Mail* published a headline story claiming that a group of migrants who had hid in a van had said, *'we are from Europe -let us in'*²³⁹, a completely fabricated story. Similarly, *The Daily Express* was also forced to admit that one of its claims surrounding 12 million Turkish people planning to move to the UK was false. Rowinski also discussed how the British tabloids *'left a gap'* for the readers to *'fill'* regarding how they would *'get their country back'*; a suggestion which may have incited readers to carry out racial violence. This is firm indication that the British tabloids sought to manipulate readers into believing that migrants were the cause of Britain's troubles and the only way to bring back their identities was to *'oust the foreigners'* and end the perceived status quo.

²³⁴ and *'get a grip on the spiraling rate of immigration', putting strain on wages, jobs and hospitals'*

²³⁵ Paul Rowinski, *Mind the gap: the language of prejudice and the press omissions that led a people to the precipice*, EU Referendum Analysis 2016: Media, Voters and the Campaign: Early reflections from leading UK academics [2016] 52

²³⁶ Paul Rowinski (n 235)

²³⁷ Paul Rowinski (n 235)

²³⁸ Paul Rowinski, (n 235) 52.

²³⁹ Alina Rzepnikowska, *Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote*, *Journal of Ethnic and Migration studies*, [2018],

Viewing an even broader perspective Colette Browne looks at the method of tabloid reporting relating to the murder of Jo Cox the Labour party politician²⁴⁰. As referred to earlier, Jo Cox was stabbed multiple times and shot in the head by Thomas Mair who had suspected links to far-right extremism. Browne theorizes that even though there was growing evidence that Mair was a supporter of ‘*an extreme political ideology*’ the press focused on his mental health instead²⁴¹. It was alleged that Mair, as he carried out his frenzied attack, screamed ‘*Britain First*’ the name of a right-wing anti-immigrant political party. However, Britain First was quick to deny any connection between their ideologies and Mair’s devastating actions. Whilst it is suggested that Mair was mentally unwell, Browne’s theory is interesting in that the press, even though they may have been faced with a ‘textbook’ terrorist incident, a violent attack carried out for a political purpose, chose to disregard this fact. Browne further states that the tabloids were more interested in demonizing migrants than actually publishing accurate stories, as evidenced earlier in *The Daily Mail*’s forced correction.

Therefore, this thesis argues that the evidence exists to show that the focus by the British tabloids in the lead up to the EU referendum was undoubtedly aggressive towards migrants and the subject of immigration. To clarify this point, Cherian George, author of *Hate Spin*²⁴², said that according to a Cardiff university study, ‘*Britain’s right-wing press stood out in Europe for the consistent, hard campaigning edge of its anti-immigrant coverage, an example of how ‘hate speech can proliferate in highly charged and polarised political debates*’²⁴³. Also, the study described earlier by Gerrad²⁴⁴ highlighted that the British tabloids, namely *The Sun*, had produced over 120 negative reports and opinion pieces on migrants and taking back control of

²⁴⁰ Collette Browne, The media’s nasty little blind spot when it comes to far- right terrorists, [2016]

²⁴¹ Collette Browne (n 240)

²⁴² Cherian George, *Hate Speech: a dilemma for journalists the world over*, [2017], London: OpenDemocracy Ltd.

²⁴³ Cherian George (n 240)

²⁴⁴ Subscribe, ‘Notes on the best and worst of British journalism’ <<http://www.sub-scribe.co.uk/2016/09/the-press-and-immigration-reporting.html>> accessed 9 September 2019

British borders, prior to the referendum vote. If the media influenced the public by its consistent negative journalism surrounding the EU referendum and consequently racism was allowed to thrive and multiple, then it is clearly demonstrated here that the British tabloids encouraged readers to respond to their editorial pieces through negative headlines such as ‘*Draw a Red Line on Immigration or Else*’ and ‘*Britain must Ban Migrants*’.

It has already been referenced earlier that it is prohibited under UK law to ‘*use threatening, abusive or insulting words... which causes or is likely to cause...distress*’²⁴⁵. The use of such words may constitute ‘*stirring up racial hatred*’²⁴⁶ and may be classed as incitement to violence. Consequently if the offender ‘*demonstrates or is motivated by, hostility based on the victims membership of a racial group...*’, then this crosses the threshold of criminality regarding hate speech offences. It certainly appears that British tabloids sought to humiliate, denounce and ridicule whole groups within British society. Further evidence suggests that the British tabloids actively sought to ‘whip up the masses’ through their negative journalism surrounding immigration. If there is still hesitation surrounding cause and effect, then what is clear is that in the lead up to the EU referendum some British tabloids were ‘*relentlessly hostile*’ on the topic of immigration²⁴⁷.

On a final point, reports also show that later in the campaign there was a considerable shift of reporting regarding immigration²⁴⁸. This focus on immigration as a threat to peoples ‘Englishness’ could be seen as a motivation for hate crime. For instance, as George described, ‘*Britain’s ‘right wing’ press stood out in Europe for the consistent, hard campaigning edge of*

²⁴⁵ The Public Order Act 1986, s4.

²⁴⁶ The Public Order Act 1986, s18.

²⁴⁷ Mike Berry, Understanding the role of the mass media in the EU Referendum, EU Referendum Analysis 2016: Media, Voters and the Campaign, Early reflections from leading UK academics, [2016] 14.

²⁴⁸ David Deacon, The narrow agenda: how the news media covered the referendum, EU Referendum Analysis 2016: Media, Voters and the Campaign: Early reflections from leading UK academics [2016] 34.

*its anti-immigrant coverage*²⁴⁹. Dr Berry supplements this and suggests that immigration acted like a ‘lightening rod’, capturing issues and then shifting these onto issues that were linked with the EU. Berry gives a clear example of how readers responded to this coverage by the tabloids describing how one respondent stated, ‘*Don’t let them in because, I’ve nothing against them or anything like that but they’re just taking all the money*’²⁵⁰. This highlights the stark reality that during the referendum many UK citizens perceived migrants as a threat to their economic and even their social existence.

Consequently, this research appears to clarify the question regarding whether the British tabloids contributed to hate crime through their negative reporting on migrants. The British tabloids journalism focused on migrants so vehemently in the lead up to the EU referendum that the only conclusion that can be reached is that they motivated the responses of readers to carry out racial violence.

²⁴⁹ Cherian George, *Hate Speech: a dilemma for journalists the world over*, [2017], London: OpenDemocracy Ltd.

²⁵⁰ Mike Berry, ‘Early reflections from leading UK academics’. *EU Referendum Analysis 2016: Media, Voters and the Campaign*, [2016] 14.

Entwined

This chapter argues that the reporting by some British tabloids and the campaigns led by UK political parties during the EU referendum cannot be simply looked at alone as they both appear to be intricately ‘entwined’. Each appealed to the electorate’s opinions and feelings regarding immigration, using border control and the nation’s subsequent welfare as the bargaining chip. Assessing the language and behavior of political parties alongside tabloid journalism is therefore necessary to achieve a thorough view regarding the motivations and responses of readers.

Rzepnikowska²⁵¹ suggests that because of numerous British ‘anxieties’ over uncontrolled European immigration, the political and media rhetoric changed. For instance, the comments made by individual politicians such as Gordon Brown’s statement back in 2007 of ‘*British jobs for British people*’, Nigel Farage’s ‘breaking point’ poster²⁵², and tabloid use of phrases such as ‘*Polish invasion*’ and ‘*little Poland*’, may have influenced and negatively motivated reader responses. Haque²⁵³ seems in little doubt and argues this point, ‘*the Brexit toxic campaign has normalised hatred towards immigrants and has turned communities against one another*’.

Similar statements by UK political parties demonstrate the ferocity surrounding the EU referendum with regards to migrants. For example, ‘*take back control of our borders*’, a slogan used by UKIP and ‘*the mining town that turned into little Poland*’, highlights the damaging comments given by those with responsibility for relaying accurate information to the electorate. Such misleading proclamations may demonstrate a plausible link between the potential

²⁵¹ Alina Rzepnikowska, Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote, *Journal of Ethnic and Migration studies*, [2018],

²⁵² Collette Browne, The media’s nasty little blind spot when it comes to far- right terrorists, [2016]

²⁵³ Z Haque, Racism and Inequality: The Truth about Brexit, (2017), cited in Alina Rzepnikowska, Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote, *JEM*, [2018],

influences such language may have on the motivations and responses of readers, therefore resulting in a proven contribution to hate crime. In fact the European Commission against Racism and Intolerance²⁵⁴ criticised British tabloid newspapers for ‘*offensive, discriminatory and provocative terminology*’ in the run up to the EU referendum. Establishing whether together and side by side tabloid reporting and political party rhetoric caused an increase in hate crime is a critical point here.

To add further weight to the idea that as a lethal combination, newspapers and politicians contributed to hate crime and incited racial hatred, Collette Browne²⁵⁵ analyses the behaviour of Nigel Farage and states that his conduct is aided and abetted by a right wing press that ‘*refuses to call out his lies*’²⁵⁶. Other examples of the possible effect on hate crime arising from the combination of tabloid reporting and political party campaigns can be seen in events that took place immediately after the referendum. For instance, Rzepnikowska describes that after the Brexit vote, words were written on cards, left outside primary schools, and pushed through letterboxes stating, ‘*Leave the EU/ No more Polish vermin*’²⁵⁷. Likewise, the day after the EU referendum a Polish man suffered abuse from his co-workers as they repeatedly shouted, ‘*Go back to Poland*’²⁵⁸. Similarly, the poster used by UKIP during the 2014 campaign which read, ‘*26 million people in Europe are looking for work, who’s job are they after?*’, and claims made by politicians that ‘*uncontrolled mass immigration*’ is caused by the right to freedom of movement, also emphasises the toxic false rhetoric adopted by political parties during this time; and how the tabloids reinforced their statements through its use of sensational headline news.

²⁵⁴ Lizzie Dearden, Independent, ‘Damning report condemns rising ‘racist violence and hate speech’ by politicians and press in post-Brexit UK’ <<https://www.independent.co.uk/news/uk/home-news/brexit-david-cameron-nigel-farage-council-of-europe-report-racist-violence-intolerance-hate-speech-a7345166.html>> accessed 9 September 2019

²⁵⁵ Collette Browne, The media’s nasty little blind spot when it comes to far- right terrorists, [2016]

²⁵⁶ Collette Browne (n255)

²⁵⁷ Alina Rzepnikowska, Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote, Journal of Ethnic and Migration studies, [2018]

²⁵⁸ Alina Rzepnikowska (n 257)

The subsequent damaging rhetoric produced by this toxic combination further contributes to already raised tensions surrounding the British public and minority groups. Fox et al²⁵⁹, emphasises this point by stating, *‘even though it seems like the responses of some politicians to EU migration have not been racially motivated... they produce racialised effects’*. Burnett, cited in the *Journal of Ethnic and Migration Studies* further supports this view and states that in an examination of over one hundred cases of racist violence after the EU referendum, a clear link between the behaviour and language of perpetrators and the rhetoric of politicians was shown. Burnett evidenced this through drawing on a database which uses an ‘online news aggregator’ that ‘sources’ stories that have been used in the tabloids. From this aggregator data is drawn which indicates the type of incident, and the *‘ethnicity and nationality of victims and perpetrators’*²⁶⁰. This hypothetical link was emphasised again by separate academics. Fekete suggests that, *‘One of the things that has become clear is that the hostile environment that has been an official aim of policy for the last few years is ‘coming home’. If a ‘hostile environment’ is embedded politically, it can’t be a surprise if it takes root culturally’*²⁶¹. Again this example gives another firm indication of the possible influence on readers caused by the combination of political party campaigns and British tabloid journalism.

As a final point, Jean-Paul Marthoz, a professor at the University of Louvain, made an interesting observation regarding media outlets and their methods which supports the ‘Entwined’ theory. Marthoz suggests that when radical populist parties reach a certain threshold of popular vote then they are *‘inclined to adopt policies of accommodation under the mantra of journalistic impartiality and fairness’*²⁶². These examples give a strong indication

²⁵⁹ J Fox et al, ‘The Racialisation of the New European Migration to the UK’. *Sociology* (2012) 46 (4): 680-695

²⁶⁰ Jon Burnett, *Racial violence and the Brexit state*, London: SAGE (2016).

²⁶¹ Fekete, ‘Post-referendum racism and xenophobia (2016) cited in P Komaromi, *Post-Referendum Racism and Xenophobia: The Role of SocialMedia Activism in Challenging the Normalisation of Xeno-Racist Narratives*’ <<http://www.irr.org.uk/app/uploads/2016/07/PRRX-Report-Final.pdf>> accessed 9 September 2019

²⁶² Cherian George, *Hate Speech: a dilemma for journalists the world over*, [2017], London: OpenDemocracy Ltd.

that oppressive reporting alongside what may be classed as ‘Neo Nazi’ type rhetoric, is intricately interwoven. As a result of this intense combination, it appears that some readers were influenced to carry out racial violence. Therefore, the next chapter examines the law as it relates to Hate Speech.

The Law - Hate Speech

As earlier literature expressed, even though there is no law against ‘hate speech’, certain UK statutes afford protection against enticing hate action and hate speech. Referring to the *Public Order Act 1986*, Chara Bakalis states that with regards to the stirring up offences they have a, ‘*long history rooted in anti – discrimination legislation*’²⁶³. Bakalis continues and describes how in their current form ‘*they seek to criminalise behaviour that is threatening, abusive or insulting*’²⁶⁴. Legislation states that it is an offence to ‘*display such material which may be deemed threatening*’²⁶⁵ and current legislation affirms that an offender will have committed an offence if they ‘*demonstrate hostility*’, or are ‘*motivated by*’, a ‘*victim’s membership of a racial or religious group*’²⁶⁶. Also, section 4 of the *POA 1986* describes how it is an offence to ‘*use insulting words or behaviour that may cause or is likely to cause, another person harassment, alarm or distress*’.

These ‘stirring up offences’ are of extreme significance with regards to the behaviour, conduct and speech making of political parties in the lead up to the EU Referendum. For example, when examining the rhetoric of party campaigns, it is emphatically clear from the aforementioned evidence, that certain aspects of their campaigns were hostile towards the subject of immigration and of migrants in particular. The EHRC certainly supports this suggestion when they claimed that politicians used ‘*intolerant political speech*’²⁶⁷. In fact, individual politicians such as Nigel Farage were criticised over their grossly disproportionate language. An example

²⁶³ Chara Bakalis & Chris Lloyd (2018) Dangerous speech and images: regulating the internet, Information & Communications Technology Law, 27:1, 1-3, DOI:10.1080/13600834.2017.1393928

²⁶⁴ Chara Bakalis & Chris Lloyd (2018) Dangerous speech and images: regulating the internet, Information & Communications Technology Law, 27:1, 1-3, DOI:10.1080/13600834.2017.1393928

²⁶⁵ UK Racial and Religious Hatred Act 2006, pt 3.

²⁶⁶ The Crime and Disorder Act 1998, s28.

²⁶⁷ Equality and Human Rights Commission, ‘Standing up against race hate’

<<https://www.equalityhumanrights.com/en/our-work/blogs/standing-against-race-hate>> accessed 7 September 2019

of this can be seen in his spring conference speech²⁶⁸. Farage said that mass immigration was making parts of the country appear ‘unrecognisable’ and he used emotive words to describe Britain as ‘foreign’²⁶⁹. Farage went even further by using an illustrative dialogue to describe how migrants were a potential threat to British women. Farage when referring to the Cologne ‘sex attacks’, warned that the same could happen in Britain if the electorate voted to remain in the European Union. This seems to be a clear example of negative encouragement. The use of such language can only be described as ‘*threatening*’ and most ‘*likely to cause distress*’ and therefore, a clear breach of Section 4 of the *POA 1986*.

Even if the questionable rhetoric of UK political party campaigns during the EU referendum can be somehow ignored, their venomous behaviour towards migrants cannot. UKIP’s campaign centred on immigration and used ‘materials’ that could only be described as ‘threatening’. Their utilisation of the ‘Breaking Point’ poster was appalling and Section 4 of the *POA* and the *UK RRHA 2006* is extremely relevant here. Legislation is clear that it is an offence to ‘*display any written material which is threatening*’ thus the use of this sickening poster certainly cannot be overlooked. Additionally, the *POA 1986* sets out that if having regard to all the circumstances, racial hatred is likely to be stirred up then an offence will have been committed. It is hard to defend that political parties did not have regard to all the circumstances. As described earlier, political parties were acutely aware that immigration was a worrying concern for the electorate.

²⁶⁸ YouTube, ‘UKIP Nigel Farage - Conference Speech 2013’
<<https://www.youtube.com/watch?v=f9FDdbCIxQ>> accessed 9 September 2019

²⁶⁹ UKPOL, ‘Nigel Farage – 2013 Speech to UKIP Conference’ <<http://www.ukpol.co.uk/nigel-farage-2013-speech-to-ukip-conference/>> accessed 9 September 2019

Therefore, with the UK's 'stirring up' offences in mind, it is easy to see how political parties have met the threshold of criminality with regards to enticing hate action. Similarly, the British tabloids certainly did not hold back with their aggressive depiction of migrants within British society. Diabolical headlines such as *The Daily Express*'s harmful slogans stating, '*Immigrants Bring More Crime*' and '*New Migrant Flood on The Way*' could only have encouraged a negative response from its readers'²⁷⁰. Likewise, using captions suggesting that Britain must 'ban' migrants can only be seen as negative discourse against them. This is unambiguous evidence that their 'written material' displayed 'threatening words', a clear violation of UK law.

Consequently, the manner in which the British tabloids reported on the European Referendum appears to satisfy the criteria of 'stirring up' racial hatred under Section 18 of the *POA 1986*. Additionally, Section 28 of the *CDA 1998* may also apply here as these despicable captions can only be described as 'demonstrating hostility' and were unquestionably 'motivated' by the victims membership of a particular racial group as the comments directly referred to migrants. This point unequivocally compounds the suggestion that some British tabloids, through their toxic headlines, are culpable of inciting racial hatred in the led up to the EU referendum vote.

Critically, this study has so far sought to establish whether UK political parties and the British tabloids contributed to hate crime through their harmful rhetoric, contrary to UK hate speech legislation. It is now important to evaluate their rights to freedom of expression enshrined within Article 10 of the *Human Rights Act 1998*.

²⁷⁰Anil Dawar, *The Daily Express* (June 10 2015), 'New Migrant Flood on the Way: Outrage after EU warn Britain to prepare for more foreigners' <<https://www.express.co.uk/news/clarifications-corrections/562452/Fury-new-EU-migrant-plan-UK-forced-accept-more-foreigners>> accessed 9 September 2019

Freedom of Expression and Hate Speech

As indicated, if this study is to give a balanced perspective surrounding the narrative of political parties and the British tabloids with regards to their contribution to hate crime, then a discussion is needed on their rights to freedom of expression. Often when comments are made surrounding curtailing a person's right to express their views, 'freedom of expression' is frequently named. However, the *European Convention on Human Rights*²⁷¹ (ECtHR) case law has shown that in certain cases, in order to protect the rights of others (*Norwood v UK, I.A. V Turkey*) when inflammatory speech is used, the ECtHR has upheld the right to punish the perpetrators²⁷². Whilst it is unfeasible given the constraints of this study to have an in-depth analysis of the limitations of Human Rights laws governing freedom of expression, it is possible to outline potential effects such laws, if not used in their entirety or with consistency, may have on the victims of hate crime.

UK domestic legislation²⁷³ sets out a person's right to 'hold opinions' and the right to 'freedom of expression'²⁷⁴. Similar international legislation provides a person with the right to freedom of expression and the right to hold opinions without interference²⁷⁵. These fundamental rights consequently afford a defence against some accusations of hate speech. Therefore, when considering whether the British Tabloids or UK political parties may have contributed to hate crime by influencing the motivations and responses of readers, attention must also be given to a person's basic fundamental right to freedom of expression²⁷⁶. Whilst it is established that

²⁷¹ European Convention on Human Rights < https://www.echr.coe.int/Documents/Convention_ENG.pdf > accessed 9 September 2019

²⁷² Gov.co.uk, 'Hate speech, freedom of expression and freedom of religion: a dialogue' <<https://www.gov.uk/government/publications/hate-speech-freedom-of-expression-and-freedom-of-religion-a-dialogue>> accessed 9 September 2019

²⁷³ The Human Rights Act 1998, sch 1(10) (1)

²⁷⁴ The Human Rights Act 1998, sch 1(10) (1)

²⁷⁵ The International Covenant on Civil and Political Rights, pt 1 (19) (2)

²⁷⁶ The Human Rights Act 1998, sch 1(10) (1)

these are vital laws and principles that need to be upheld, it is suggested that perhaps journalists and politicians hide behind such legislation for their own political and editorial gain, motivated by the ‘rewards’ bestowed upon them if their aim is accomplished. A publication issued by Parliament in 2016 discusses this idea and argues that some far right political parties have seemingly used freedom of expression in the past to promote dissention, conflict and friction amongst their followers²⁷⁷. The report makes the point that political parties did so often with the aim of ‘stirring up’ racial hatred²⁷⁸, a clear offence under Section 18 of the *POA*. The website Hope Not Hate discusses political groups with regards to freedom of speech stating that, *‘For some on the far right, free speech is not a right, it is merely a tactic’*²⁷⁹. It appears that the same can be said regarding political parties during the EU referendum. In his article, Joe Mulhall writes that *‘they are using the notion of free speech to try and broaden the ‘Overton Window’ (the range of ideas the public will accept) to the point where it includes their prejudiced and hateful politics’*²⁸⁰.

Currently, whilst there is legislation in place to protect a victim of hate crime, there is none that actually defines hate speech or any legal definition of hate crime. Ironically though, there is legislation that affords legal protection against prosecution for ‘holding opinions’ and protection for a person’s right to ‘freedom of expression’²⁸¹. Therefore, those responsible for the publication of such vicious headlines and politicians who may instigate and implement a negative narrative, already seem to have the advantage. As outlined, it appears all too easy for politicians and tabloids to claim their right to freedom of expression whilst at the same time

²⁷⁷ Parliament, ‘Hate and abuse on social media’

<<https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/609/60904.htm> > accessed 9 September 2019

²⁷⁸ Parliament, ‘Hate and abuse on social media’

<<https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/609/60904.htm> > accessed 9 September 2019

²⁷⁹ Joe Mulhall, Hope Not hate, ‘The far right don’t really believe in free speech’

<<https://www.hopenothate.org.uk/2018/05/03/far-right-dont-really-believe-free-speech/>> accessed 9 September 2019

²⁸⁰ Joe Mulhall (n279)

²⁸¹ The Human Rights Act, sch 1 (10) (1)

reaffirming their policies and ideologies onto readers through their political discourse and questionable journalism.

What must be carefully measured are the restrictions and or penalties contained within Article 10 (2) of the *HRA 1998*. In order to exercise these freedoms, Article 10 (2) sets out that it carries with it duties and responsibilities which may be subject to restrictions, conditions, formalities or penalties. Therefore, consideration must be given not only to offences committed under Hate Speech laws (outlined in the previous chapter), but also to those duties and responsibilities conferred on a person under Human Rights legislation. For instance, a person's right to freedom of expression may be restricted for 'public safety', to protect the rights of others and for the 'prevention of disorder and crime'²⁸², whilst ensuring though that such restrictions are 'lawful' and 'necessary'. Similar restrictions apply under international laws on Civil and Political rights as Article 20 of the *ICCPR* affords protection against racial hatred that constitutes, '*incitement to discrimination, hostility or violence*'. Consequently, the rhetoric of political parties and the negative reporting by British tabloids of migrants should have been challenged under Article 10 (2) of the *HRA 1998*.

Despite restrictions contained within Article 10 (2)²⁸³, so far, no prosecutions have been brought against the British tabloids and or UK political parties regarding their conduct in the lead up to the EU referendum. Perhaps their conduct was not deemed serious enough under Article 10, though confirmation that they did not consider their 'duties' and 'responsibilities' under domestic UK law appears to be already verified. It is argued that their negative rhetoric constituted 'hate speech' and 'stirred up' racial violence contrary to the *POA 1986*.

²⁸² Human Rights Act 1998 sch 1 (10) (2)

²⁸³ Human Rights Act (n 281)

Furthermore, by ‘stirring up’ racial hatred, the conduct of political parties and the British tabloid evidently satisfies the criteria contained within Article 10 (2) of the *HRA*. Therefore, in line with current legislation regarding ‘*public safety*’ and or ‘*prevention of disorder or crime*’, their right to freedom of expression should have been opposed. It may also be said that international laws such as Article 20 (2) of the *ICCPR* has also been breached in that they advocated racial hatred and contributed to hostility and violence. It is extremely doubtful that there is any basis for a claim that their conduct and behaviour was ‘lawful’ and only sought to impart ‘information’ and ‘opinions’ onto the electorate. Focusing on migrants so vehemently and relentlessly can only be seen as ‘hostile’. Hence, their rights to freedom of expression should have been restricted by authorities.

Moreover, prosecutions under Hate Crime legislation should have been considered regarding UKIP’s application of the ‘Breaking Point’ poster. The poster that was revealed by Nigel Farage must surely establish that his right to freedom of expression, and that of his party, could not be defended. It certainly crossed the threshold of acceptability and most certainly invoked Article 10 (2) of the *HRA 1998* regarding the ‘*protection of health and morals*’. Likewise, the same could be said regarding international legislation such as Article 20 (2) and Article 19 (3) (a) of the *ICCPR*. As identified, even though some challenges have been regarding the use of negative speech and journalism, no prosecutions have been brought. Perhaps prosecutors thought that the level required that warranted prosecution had not been reached as to bring a prosecution under Section 18 of the *POA 1986*, prosecutors would have had to prove that they ‘intended’ to stir up racial hatred. However, it is hard to see how Farage could defend that he did not have regard to ‘*all the circumstances*’ under Section 18 of the *POA*. Furthermore, it would be difficult for Farage to deny that racial hatred would not have been ‘*likely to be stirred up*’ contrary to Section 18 of the *POA 1986*, especially as evidence has noted how immigration was already a volatile topic for the electorate.

Therefore, regarding the behaviour and conduct of political parties and the British tabloids in the lead up to the EU referendum, it appears that legislation governing freedom of expression and hate speech has not been utilised correctly. This may have deep consequential effects and repercussions on victims of hate crime that may not be known for many years. Whilst it is acknowledged that a person has the right to freedom of expression, their rights are not without limitations and so should be prosecuted if the threshold for criminality has been reached, regardless of status or power.

The following chapter contemplates the accountability and responsibility of UK political parties and the British tabloids during the EU referendum and further discusses the idea that their damaging conduct crossed the legal threshold regarding ‘stirring up’ racial hatred.

Accountability and Responsibility

The basic principle of the rule of law is that all people are equal under the law and that no one is above, including politicians and media outlets. The rule of law '*refers to the influence and authority of law within our society particularly as a constraint upon behavior, including behavior of government officials*'²⁸⁴. This thesis has already presented the facts surrounding the manner in which political parties used negative rhetoric to sway the electorate during their campaigns. Their behaviour can only be described as shocking and somewhat disturbing. Indeed, the *Parliamentary Assembly Council of Europe* (PACE)²⁸⁵ expressed their concern at the '*upsurge in hate speech which incites xenophobia, racial hatred, antisemitism, islamophobia and intolerance, and which targets in particular minorities and immigrants*'. PACE further adds to this concern by suggesting that this 'trend' '*does not spare the political arena*', and hate speech is used right across the spectrum by all political party representatives, not just extremist groups.

PACE are not alone with their conclusions of intolerant hate speech being used by politicians. It is clear that leading academics also felt that politicians conducted their campaigns during the referendum with a harmful rhetoric excess. For instance, Professor James Martin wrote that politicians used scaremongering tactics by suggesting migrants put women at risk of sexual attack²⁸⁶. PACE makes it clear that politicians have a moral responsibility and a political obligation to not use language that stigmatizes and to '*refrain from using hate speech*'²⁸⁷.

²⁸⁴Nieves Hernandez, Read and Spread, S Rutherford, 'Rule of Law' (March 3 2019), <<https://readandspread.theblogpress.com/2019/03/03/rule-of-law/>> accessed 9 September 2019

²⁸⁵Parliamentary Assembly, 'Politicians have a 'moral responsibility' to combat hate speech' <<http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=7449&lang=2&fbclid=IwAR1xmWkzZODopAswFWTZRpOVmxBFb7l0E-hJxyucd1OU9SbK-nrZ435rJzM>> accessed 9 September 2019

²⁸⁶James Martin, 'Early reflections from leading UK academics'. EU Referendum Analysis 2016: Media, Voters and the Campaign, [2016] 21.

²⁸⁷ Parliamentary Assembly, 'Politicians have a 'moral responsibility' to combat hate speech' <<http://assembly.coe.int/nw/xml/News/News-View->

During the conference PACE further explored this idea by adopting a report that reiterates that politicians should ‘condemn’ the use of hate speech when used by others; particularly as their silence may be interpreted as approval or support if they do not²⁸⁸. Another report by Alfiaz Vaiya debates politician’s responsibility to combat racism and hate speech²⁸⁹. The report suggests that there has been a ‘*constant stream of concerning comments from politicians across Europe*’, stating that they, ‘*fall short of the responsibilities they have as public figures and opinion leaders*’. Worryingly, Vaiya writes that politicians have ‘*disseminated false information and engaged in hate speech for political gain*’. Vaiya makes an important point that these actions are ‘*more damaging when they are propagated by politicians*’²⁹⁰, emphasizing that political hate speech can negatively motivate the electorate.

Documented evidence shows that the actions of UK political parties in the lead up to the referendum vote clearly ‘fell short’ of their expected responsibilities and obligations. Political parties were vehement towards the subject of immigration and of migrants within British society. As discussed earlier, Farage was relentless in his descriptions of migrants and even suggested that British women were at risk of mass sex attacks if Britain stayed in the EU²⁹¹. What Farage did not publicise was the fact that ninety percent of sexual assaults are carried out by people known to the victim²⁹², thus highlighting the idea that politician’s broadcasted false and ‘threatening’ information. Farage continued with his onslaught against migrants as he urged voters to consider the security threat posed by the ‘migrant crisis’ when considering

EN.asp?newsid=7449&lang=2&fbclid=IwAR1xmWkzZODopAswFWTZRpOVmxBFb7l0E-hJxyucd1OU9SbK-nrZ435rJzM> accessed 9 September 2019

²⁸⁸ Parliamentary Assembly (n287)

²⁸⁹ Alfiaz Vaiya, ‘Politicians responsibility to combat racism’

<<https://www.osce.org/odihr/269841?download=true>> accessed 9 September 2019

²⁹⁰ Alfiaz Vaiya (n289)

²⁹¹ The Telegraph, ‘Nigel Farage: Migrants could pose sex attack threat to Britain’

<<https://www.telegraph.co.uk/news/2016/06/04/nigel-farage-migrants-could-pose-sex-attack-threat-to-britain/>> accessed 9 September 2019

²⁹² Indy100, ‘Nigel Farage’s ‘scaremongering’ migrant rape claim, debunked’

<<https://www.indy100.com/article/nigel-farages-scaremongering-migrant-rape-claim-debunked--Z1Xblhx6nQW>> accessed 9 September 2019

whether to vote remain or leave. However, sadly Farage did not stop there. His utilisation of the ‘Breaking Point’ poster was a ‘*masterclass in conflation and exploitation*’²⁹³. As James Morrison points out, the poster exploited not only these ‘*cruelly misrepresented subjects*’ but it also exploited the insecurities and anxieties of those it claimed to represent, ‘*the ordinary decent people*’²⁹⁴.

UKIP’s decision to use the poster was also condemned by MPs stating that it was ‘disgusting’ and ‘vile’ and he was compared to Nazi leaders²⁹⁵ by the American playwright, Bonnie Greer²⁹⁶. The MP Pete Wishard stated that ‘*vote for leave is pretty much become a vote for petty xenophobia and anti-immigrant rhetoric*’²⁹⁷. Whilst it must be made clear that not all leave voters support xenophobia or commit hate crimes, it is unmistakable that the poster unveiled by Farage and his political party, UKIP, intended to influence the electorate regarding migrants. Certainly, it is not yet known whether the use of the ‘Breaking Point’ poster unequivocally caused ‘alarm and distress’²⁹⁸ to all migrants, but for some migrants it is all too apparent that it did. The poster certainly appears to satisfy the criteria for ‘*stirring up racial hatred*’²⁹⁹. Even if the intention of the poster was not to cause ‘alarm and distress’, then there can be little hesitation that the poster was at least ‘threatening’ towards migrants³⁰⁰. Therefore, the decision to use the poster seems to fulfil the principles set out in the *UK Racial and Religious Act 2006* whereby it is an offence to ‘*display any written material which is threatening*’³⁰¹. In light of these suggestions there can be scarcely any doubt that some political

²⁹³ James Morrison, ‘Early reflections from leading UK academics’. EU Referendum Analysis 2016: Media, Voters and the Campaign, [2016] 66.

²⁹⁴ James Morrison (n293)

²⁹⁵ Ashley Cowburn, Independent, ‘Nigel Farage refuses to apologise for ‘Breaking Point’ poster in final pitch to voters’ <<https://www.independent.co.uk/news/uk/politics/brexit-poster-nigel-farage-eu-referendum-live-latest-vote-leave-remain-a7095236.html>> accessed 9 September 2019

²⁹⁶ Ashley Cowburn (n295)

²⁹⁷ Ashley Cowburn (n295)

²⁹⁸ The Public Order Act 1986, s4.

²⁹⁹ The Public Order Act 1986, s18.

³⁰⁰ The Public Order Act 1986, s4.

³⁰¹ UK Racial and Religious Hatred Act 2006, pt 3A (29) (b)

parties crossed the legal threshold of criminality regarding hate speech legislation, and by doing incited racial violence.

Sadly, political parties were not alone in their failure to uphold their responsibilities and obligations. The British tabloids certainly did not hold back with their toxic headlines that vilified and slurred migrants. Sensational captions such as ‘*Migrants Rob Young Britons of Job’s*’³⁰² and ‘*Migrant Numbers out of Control*’, can only be described as ‘hostile’ and ‘anti-immigrant speech’. During the EU referendum the conduct of the British tabloids was questioned by other organisations. For instance, the United Nations Human Rights Chief called for the UK authorities to ‘*curb incitement to hatred by British tabloid newspapers*’³⁰³. Other writings by tabloid columnists have also been deeply criticized for their ‘xenophobic comments’. For instance, a Sun columnist described migrants as ‘*a plague of feral human beings*’ and compared them to the ‘norovirus’³⁰⁴. Such harmful journalism can only seek to ‘stir up’ racial hatred, an offence under Section 18 of the *POA 1986*. This thesis also suggests that such comments most definitely demonstrated hostility towards migrants, an offence under the *CDA 1998*. Furthermore, the criterion set out under Section 4 of the *POA* is also extremely relevant as their toxic journalism can only be described as ‘abusive’, ‘threatening’ and ‘insulting’. Therefore, the previous documented evidence strongly suggests that the British tabloids are also responsible for encouraging some readers to carry out racial violence and therefore should be held accountable for their actions.

³⁰² Macer Hall, The Daily Express (18 August 2011), ‘Migrants rob young Britons of jobs’
<<https://www.express.co.uk/news/uk/265665/Migrants-rob-young-Britons-of-jobs>> accessed 9 September 2019

³⁰³ United Nations Human Rights, International Covenant on Civil and Political Rights, (1966, December 16).
Retrieved from United Nations Human Rights:

<<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.asp>>
Accessed 9 September 2019

³⁰⁴ Zeid Hussain, United Nations Human Rights, ‘UN Human Rights Chief urges U.K. to tackle tabloid hate speech, after migrants called “cockroaches”

<<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15885&LangID=E>> accessed 9 September 2019

In order to finalize the question regarding accountability a report by Francoise Tulkens, a Belgian lawyer and Vice- President of the European Court of Human Rights, discusses tackling hate speech and where responsibilities lie. In a straight to the point reply, Tulkens states that the answer is, ‘*everywhere*’³⁰⁵. Tulkens proposes that not only journalists and the media, but political leaders, lawyers, and civil society are all involved with a shared responsibility. Whilst this is a valid point, those holding public office or whom have the potential to influence the ‘masses’, must have an added responsibility. This argument is enforced by Tulkens who states that, ‘*Politician’s and other public figures have a greater responsibility because they have broader possibilities for spreading prejudice against certain groups*’³⁰⁶. The same could easily be said regarding the power and impact of negative reporting by the British tabloids.

The answer is clear that based on the negative writings by British tabloids and the venomous conduct of political parties that some readers have been motivated to carry out racial violence, consequently contributing to hate crime. Alongside the earlier research evidencing a ‘spike’ in hate crime and the research previously set out from leading academics, it is determined that political parties and some British tabloids violated the rule of law regarding hate speech legislation. Furthermore, it is unequivocal that their roles certainly supported a dangerously hostile environment for migrants. However, to date, no prosecutions have been brought against any British tabloid or any UK political party with reference to their conduct in the lead up to the EU referendum vote. Therefore, the final chapter argues whether the current laws relating to the kind of ‘hate speech’ articulated by the British tabloids and political parties in the lead up to the EU referendum, are sufficient to limit hate action.

³⁰⁵Françoise Tulkens, (September 2013) ‘The hate factor in political speech Where do responsibilities lie?’ <<https://rm.coe.int/16800c170e>> accessed 9 September 2019

³⁰⁶ Françoise Tulkens (n305)

Is The Law Sufficient?

When considering whether the law is sufficient regarding the type of ‘hate speech’ used by the British tabloids and political parties in the lead up to the EU referendum; it is important to reflect on Britain’s attempts to oppose racism and to equally contemplate the feelings of those who may have been affected by toxic speech making during the referendum.

Firstly, whilst it is acknowledged that the United Kingdom has been racist in the past, Britain has stood proud in efforts to stamp out discrimination and racial intolerance, bringing in new legislation to combat racial abuse. For instance, since the introduction of the *Race Relations Act*³⁰⁷ in 1965 the United Kingdom has made several amendments to the Act including an amendment to bring public bodies such as the police and local authorities under scrutiny regarding equal treatment for all. However, even though the UK has made attempts to tackle racism, from the moment confirmation was given that the British people would be asked to vote on Britain’s future in the European Union, something insidious began. Migrants that have lived in Britain for generations, and those new to the UK, were now expressing fears for their future with some being subjected to racial outbursts, violence, and in the most extreme of cases, even murder. A viewpoint of one lady immediately after the referendum result said that she ‘*felt the early fallout from the bitter battle over the EU referendum*’³⁰⁸ when she passed a woman who warned her ‘*to be careful*’³⁰⁹. D’Souza noted that a man was shouting racist abuse at a shopkeeper and as she walked past, the man looked at her and spat on the floor. D’Souza said that she fears the referendum ‘*has unleashed a frenzy of hatred*’³¹⁰.

³⁰⁷ Race Relations Act 1965

³⁰⁸ Homa Khaleeli, The Guardian, ‘A frenzy of hatred’: how to understand Brexit racism’ <<https://www.theguardian.com/politics/2016/jun/29/frenzy-hatred-brexite-racism-abuse-referendum-celebratory-lasting-damag>> accessed 9 September 2019

³⁰⁹ Homa Khaleeli, The Guardian (n 308)

³¹⁰ Homa Khaleeli, The Guardian (n 308)

Following on from the *Race Relations Act 1965*, UK legislation has developed to include ‘speech offences’ such as the *Public Order Act 1986*, the *Crime and Disorder Act 1998* and the *UK RRHA 2006*. These Acts set out the minimum threshold that needs to be reached in order for an offence to have been committed. For instance, if a person ‘*intends to stir up racial hatred*’ then they are guilty of an offence under Section 18 of the *POA 1986*. Evidence has already shown that the British tabloids and UK political parties used devastating terminology and ‘materials’ such as the ‘Breaking point’ poster to negatively describe migrants. However, even though such actions appear to satisfy the criteria for ‘stirring up’ racial hatred, no prosecutions have been brought. It is also apparent that their actions satisfy the criteria of using ‘*threatening words or behaviour*’, but this evidence has also so far been ignored.

Documented facts clearly show that the conduct of political parties was venomous in its approach to migrants and immigration during the EU referendum. Likewise, the above-mentioned research demonstrates that the tabloid reports on immigration were tremendously negative. Therefore, this appears to ratify that the harmful rhetoric of politicians and the writings by the tabloids in the lead up to the EU vote, satisfies Section 4 of the *POA 1986*³¹¹. Again, no prosecutions have been made. Perhaps ‘intent’ could not be found as this would need to be proved in order to bring a successful prosecution. However, with the evidence already set out, this seems doubtful. Consequently, this highlights an important question surrounding lack of prosecutions that would need to be addressed in a future study. In summarising this point, the only assumption that this thesis can support is whilst UK legislation regarding hate crime may be enough to limit racial violence; the interpretation of hate crime in action is emphatically not clearly understood.

³¹¹ The Public Order Act, s4.

CONCLUSION

Spike in Hate Crime

Mathew Harries declared that, '*A change in national mood is hard to define*'. But Brexit certainly changed something³¹². The evidence already set out certainly supports this theory. Throughout this study it has been suggested that in the lead up to the EU referendum the British tabloids and UK political parties may have influenced the motivations and responses of readers and so contributed to hate crime. Additionally, the topic of Hate Speech legislation in opposition to the rights surrounding Freedom of Expression has also been reflected on to enable a balanced and fair perspective. Serious contemplation has also been given to whether the rhetoric of UK political parties and British tabloids, combined with a documented 'spike' in hate crime created a 'combustible brew' of such enormity that it manipulated and motivated readers to carry out racial violence.

Firstly, attention is turned to the results from the Home Office regarding reported hate crimes during the EU referendum. This data produced startling evidence that the referendum undoubtedly led to a substantial increase in hate action. As discussed earlier, this may have been due to greater reporting but according to Devin³¹³, the increase in reported hate crime at the time of the referendum was akin to the terror attacks that took place in Manchester and London³¹⁴. Additionally, reports from the *National Police Chiefs Council* show that 331 allegations of hate crime were reported in the seven days following the result. These occurrences were described by Chief Bernard Hogan – Howe as a 'horrible spike'³¹⁵. Hence,

³¹² Matthew Harries, Britain's Dangerous New Politics, [2016], *Survival*, 58:6, 31-42.

³¹³ Daniel Devine, The UK referendum on Membership of the European Union as a Trigger Event for Hate Crimes, [2018], Division of Politics and International Relations

³¹⁴ Daniel Devine (n 313)

³¹⁵ Jon Burnett, Racial violence and the Brexit state, [2016], London Institute of Race Relations: London: Sage

compared with data from the weekly average of 63 reported incidents, it is evident that the EU referendum produced a spike in hate crime. Viewing a broader perspective, people may have been reporting incidents that they perceived as racial incidents more than usual due to the event being highly volatile in nature, even though they may not have been actual crimes. However, this is doubtful as previous evidence suggests that misrepresented nationalistic beliefs of being ‘British’ and the false threat of ‘migrant danger’ to society, produced the spike in hate crime. For instance, stories were supported by official data showing that in the month following the referendum, reported hate crimes rose by 58%³¹⁶ and Burnett³¹⁷ describes how the ‘target’ for the majority of these incidents was European migrants. However, Muslims and Jewish people were also made targets and many singled out because they spoke a foreign language or a *‘presumption of their right to be here’*³¹⁸.

What is conclusive is that from the 134 racial incidents that were examined, 51 referred directly to the EU referendum result. The referendum result seemed to give ‘affirmation’ to the perpetrators that the country was not just ‘theirs’ but ‘theirs again’³¹⁹. Burnett writes that, *‘there was a sense of history being corrected and of historical wrongs (immigration, primarily) being righted’*³²⁰. With racial comments like, *‘fuck off back to your own country’* and *‘get out of our country’*, abusers were behaving like they were protecting their make belief sovereignty. Burnett describes how the referendum had been seen *‘as a sign that a set of assumed legal and cultural ‘norms’ could be asserted’*³²¹, evidenced when a man ripped off the Niqab from a lady and told her to *‘live by British rules’*³²². Furthermore, there is no doubt that a definitive ‘spike’

³¹⁶ Matthew Harries, Britain’s Dangerous New Politics, [2016], Survival, 58:6, 31-42.

³¹⁷ Jon Burnett, Racial violence and the Brexit state, [2016], London Institute of Race Relations: London: Sage

³¹⁸ Jon Burnett, (n 317) 87

³¹⁹ Jon Burnett (n 317)

³²⁰ Jon Burnett (n 317)

³²¹ Jon Burnett (n 317)

³²² Jon Burnett (n 317), 88

can be clearly seen between the 24th June 2016 and 2nd July 2016³²³. During this period, 599 racist incidents were reported to Scotland Yard with an average of 67 a day; compare this figure with 44 per day prior to the referendum then the seriousness of Brexit becomes palpable³²⁴. Alarming the hate crime figures released by the Home Office for the period between 16th and 30th June 2016, a time that could be perceived as the feverish peak of the Remain and Leave campaigns³²⁵; saw more than 3,000 hate crimes reported to the police: a 42% increase on the same period in 2015³²⁶. Moreover, what is worrying is the official data released concerning overall reporting of hate crime between 2016 and 2017. This data shows that between these times recorded crimes relating to race alone rose by 13,000³²⁷. Therefore, the overall total number of hate crime offences rose by more than 19,000, an increase of 29%³²⁸. This solid evidence demonstrates that in the lead up to the EU referendum a definitive ‘spike’ in hate crime occurred. Establishing that an actual increase in hate crime took place was extremely important for this study in order to be able to consider the next question; whether the conduct of the British tabloids and UK political parties influenced the motivations and responses of readers and by doing so, contributed to hate crime.

³²³ Jon Burnett, *Racial violence and the Brexit state*, [2016], London Institute of Race Relations: London: Sage

³²⁴ Jon Burnett (n 323) 87

³²⁵ Jon Burnett (n 323) 87

³²⁶ BBC News, ‘Met police deputy chief links Brexit vote to hate crime rise’ <<http://www.bbc.co.uk/news/uk-england-london-36835966>> , cited in Jon Burnett, *Racial violence and the Brexit state*, [2016], 87

³²⁷ A O'Neill, Home Office, ‘Hate Crime, England and Wales, 2016/17 Statistical Bulletin 17/17 17’ <<https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2016-to-2017>> accessed 9 September 2019

³²⁸ A O'Neill, Home office report (n 327)

Political Parties and British Tabloids

This study has demonstrated that UK political parties and the British tabloids made immigration a primary focus of their narrative during the referendum campaign. To centre on a specific topic or issue is perfectly acceptable and expected during such key events. However, both appeared to approach the referendum with negative language centred on immigration, and in particular used inflammatory speech when expressing the effects of migrants on British society. An article by Rzepnikowska³²⁹ considered the possible influences on hate crime arising from tabloid reporting and the rhetoric of political parties, during and after the EU referendum³³⁰. Rzepnikowska found strong evidence regarding influence as the number of racially aggravated offences recorded by the police in July 2016 was 41 per cent higher, than in the same month in 2015³³¹.

Moreover, when considering British tabloids and whether their reporting incited racial hatred, evidence has shown that their journalism has been unyielding in its lack of sympathy for migrants. For instance, the article described earlier that was written by a *Sun* columnist advocating the use of gunships on migrants is hard to ignore. In fact a British Non-Governmental Organisation from the Society of Black Lawyers requested that the issue be investigated by the Metropolitan Police to see if the article amounted to incitement to racial hatred under the 1986 *Public Order Act*³³². Worryingly the columnist used words such as ‘cockroach’ to describe migrants and continued with the vilification when suggesting that

³²⁹Alina Rzepnikowska, Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote, *Journal of Ethnic and Migration studies*, [2018],

³³⁰ Alina Rzepnikowska (n 329)

³³¹ Home Office 2016, cited in A Rzepnikowska: Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote, [2018], *Journal of Ethnic and Migration Studies*, DOI

³³² United Nations Human Rights, ‘UN Human Rights Chief urges U.K. to tackle tabloid hate speech, after migrants called “cockroaches”’

<<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15885&LangID=E>> accessed 9 September 2019

migrants were a '*plague of feral humans*'. There is little doubt that such comments are 'abusive' and 'insulting', and likely to cause distress, an offence under hate speech legislation³³³. However, it was argued that no prosecutions could be brought against this columnist due to no identifiable subject as 'migrants' was too vague.

Consideration was also given to legislation regarding 'stirring up' racial hatred³³⁴. Documented evidence indicates that negative reporting, scandal, chaos and mayhem sells stories and can influence the motivations and responses of readers. Even the example given earlier regarding sex offenders demonstrates that the media is a powerful force in the motivations and responses of its audience, often setting the narrative for inspiration and influence. In the defence of the media though, Cherian George offers up the notion that Hate Speech '*presents a major challenge to today's journalism*'³³⁵ and expresses that '*socially conscious journalists*', are anxious at how '*hate filled message seep into the internet*'. Whilst this may be true, George does stress that some media outlets are 'cheerleaders for forces of hate' and they may 'amplify the voices of hate propagandists'³³⁶.

Reaffirming this thought, a leading academic, Dr Paul Rowinski, argues that, '*never before in living memory have some newspapers fed the public's hopes, fears and yes prejudice against Europe (and Europeans) to this extent*'³³⁷. A similar study regarding media coverage released in 2016 looked at how migrant voices have been previously framed. The paper analysed 648

³³³ The Public Order Act 1986, s4

³³⁴ The Public Order Act 1986, s18

³³⁵ Ethical Journalism Network, HATE SPEECH, 'A Dilemma for Journalists the World Over' <<https://ethicaljournalismnetwork.org/resources/publications/ethics-in-the-news/hate-speech>> accessed 9 September 2019

³³⁶ Ethical Journalism Network (n 335)

³³⁷ Paul Rowinski, Mind the gap: the language of prejudice and the press omissions that led a people to the precipice, EU Referendum Analysis 2016: Media, Voters and the Campaign: Early reflections from leading UK academics [2016] 52

migrant related stories and found that 46% of all articles portrayed migration as a ‘threat’ and migrants as ‘villains’³³⁸.



Figure 5: London, UK - July 2, 2016: A group of people protesting the result of the EU Referendum in the UK on 23 June, which saw the UK vote for Brexit - a withdrawal from the EU. Here a placard accuses *The Sun* and *Daily Mail* newspapers of inciting racial hatred. (iStock.com / David Callan)³³⁹.

Additionally, Dr Mike Berry writes that press reporting has been relentlessly hostile to the EU with a ‘steady stream of stories about immigrants ‘sponging’ off the welfare state and ‘bleeding’ the NHS dry’³⁴⁰. This gives verification of negative journalism towards migrants in the lead up to the EU referendum and is an example of ‘demonstrating hostility’ towards migrants³⁴¹. Even the European Commission against Racism and Intolerance felt the necessity to single out *The Sun* and *The Daily Mail* for ‘*offensive and provocative terminology*’.

³³⁸ Roy Greenslade, ‘What's missing from newspaper coverage of migration? The migrants...’ <<https://www.theguardian.com/media/greenslade/2016/feb/02/whats-missing-from-newspaper-coverage-of-migration-the-migrants>> accessed 9 September 2019

³³⁹ Ethical Journalism Network, HATE SPEECH, ‘A Dilemma for Journalists the World Over’ <<https://ethicaljournalismnetwork.org/resources/publications/ethics-in-the-news/hate-speech>> accessed 9 September 2019

³⁴⁰ Mike Berry, ‘Early reflections from leading UK academics’. EU Referendum Analysis 2016: Media, Voters and the Campaign, [2016] 14.

³⁴¹ The Crime and Disorder Act 1998, s28

Moreover, the report also concluded that some reporting on immigration was ‘*contributing to creating an atmosphere of ‘hostility’ and rejection*’. Berry reaffirms this idea further stating that, ‘*The media has played a powerful long and short term role in influencing the result of the referendum*’³⁴². A suggestion by Jean-Paul Marthoz gives strong support to this point declaring, ‘*when radical populist parties reach a certain threshold of popular vote, some media outlets are inclined to adopt policies of accommodation under the mantra of journalistic impartiality and fairness*’³⁴³.

Marthoz makes the additional argument that in order to avoid upsetting the public, the tabloids ‘*drop adversarial journalism*’³⁴⁴. Upon analysing the reporting by the tabloids during the referendum this statement regrettably appears to have elements of accuracy. Cherian George offers up a solution for this behaviour and announces that journalists need to be ‘vigilant’ not only ‘against toxic speech’ but ‘*also against hate propaganda couched in pseudoscientific terms and reasonable discourse*’³⁴⁵. George examples how the National Front leader, Marine Le Pen ‘*assiduously sanitised her party’s rhetoric to make her anti-immigrant positions sound more respectable*’³⁴⁶. Furthermore, if journalists are to neutralise propaganda then they, ‘*need to uncover connections between elements that make up a modern hate campaign*’ and they need to figure out who benefits by instigating hatred, discrimination and violence’³⁴⁷.

With regards to the tone of the UK political party campaigns during the EU referendum, similarities can be seen with the past. For instance, throughout history politicians have used toxic rhetoric to spread negative ideas with overwhelming consequences. One only needs to

³⁴² Mike Berry, ‘Early reflections from leading UK academics’. EU Referendum Analysis 2016: Media, Voters and the Campaign, [2016] 14.

³⁴³ Jean –Paul Marthoz, Professor of International journalism, Universite de Louvain, cited in Cherian George, Hate Speech: a dilemma for journalists the world over, [2017], London: OpenDemocracy Ltd.

³⁴⁴ Jean –Paul Marthoz (n 343)

³⁴⁵ Cherian George, Hate Speech: a dilemma for journalists the world over, [2017], London: OpenDemocracy Ltd.

³⁴⁶ Cherian George (n 345)

³⁴⁷ Cherian George (n 345)

look at history and the terrifying result of the Holocaust to see the devastating effects of dangerous ideologies and harmful speech. Therefore, there is no question that spreading untruths and centering on particular groups in society can cause great harm to them and can result in their potential annihilation. Of course great caution must be taken when attempting to draw parallels with historical events of such magnitude but Petrosino states that by comparing historical events with contemporary hate crime, ‘*striking similarities can be found*’³⁴⁸. For example, with regards to hateful speech, the Nazis turned the word ‘Jew’ into a derogatory term, using it throughout their propaganda material and included in Hitler’s speech’s to the Reichstag³⁴⁹. Much like the word ‘migrant’ has been carelessly used during the referendum. Evidence has confirmed that the rhetoric of some UK political parties has most definitely been aggressive and offensive towards migrants. In fact, Burnett points out that an examination of one hundred cases of racist violence after the EU referendum ‘*shows a link between the language and behaviour of perpetrators and the rhetoric of policy pronouncement of politicians*’³⁵⁰.

Consequently, the fact that UK data specifically highlighted that the public ranked immigration high as an issue of concern; should have been a consideration to politicians with regards to how they conveyed their policies to the electorate. Moreover, it is argued that ‘*having regard to all the circumstances*’ political parties must have known that by centring their campaigns on migrants, racial hatred would be likely to have been ‘stirred up’³⁵¹. If there is in any doubt that the behaviour of political parties may not have influenced the motivations of readers then the argument convincingly put forward by Jon Burnett needs consideration. Burnett describes how

³⁴⁸ C Petrosino, (1999) ‘Connecting the past to the future: hate crime in America’, *Journal of Contemporary Criminal Justice*, 5 (1), 22-47, cited in N Hall, Hate crime (2005) 39

³⁴⁹ Hitler.org – ‘Hitler’s Speeches’ < <http://hitler.org/speeches/> accessed 9 September 2019

³⁵⁰ Jon Burnett, Racial violence and the Brexit state, (2016), cited in Alina Rzepnikowska, Racism and xenophobia experienced by Polish migrants in the UK before and after Brexit vote, JEM, [2018], 2.

³⁵¹ The Public Order Act, s18

in over 100 incidents that he analysed, *‘the racial epithets used during 75% of attacks, exactly echoed a series of government pronouncements and policies on migrants, religion, refugees and immigration since 2011’*. For instance, ‘Go home’ messages on vans became ‘Go home’ abuse on the streets’³⁵².

Sadly, the behaviour of some UK politicians, most notable those who favoured Britain’s exit from the European Union, appeared to deliberately amplify the British public’s concerns surrounding immigration. For instance, Nigel Farage wasn’t coy in his lethal depiction of migrants entering the UK and his disdain for immigration. An article in *The New York Times* suggested that the debate on Britain’s membership on the European Union *‘exposed new levels of xenophobia and hatred’*, but whilst both sides are complicit to some degree, Nigel Farage and his party UKIP *‘has done its best to whip up fears’*³⁵³. Farage was certainly no stranger to racially charged comments and xenophobic remarks towards migrants as he previously openly stated that, *‘the white working class was in danger of becoming the underclasses’*, referring to the impact of migration’³⁵⁴.

Furthermore, under the guise of preservation of British sovereignty, Farage made claims that the migrant population in Britain was the nation’s ‘problem’. Suggesting a deep threat to British society in this way can be seen as ‘stirring up’ racial hatred and extremely ‘xenophobic’³⁵⁵, resulting in motivating people to respond negatively towards migrants. Professor James Martin certainly thinks that it was a way to boost a politician’s position on the political platform with

³⁵² Jon Burnett, Racial violence and the Brexit state (2016) cited in Jenny Bourne, The seeds of post Brexit racial violence [2016]

³⁵³ Daniel Trilling, The New York Times, ‘Jo Cox, Brexit and the Politics of Hate’ <<https://www.nytimes.com/2016/06/17/opinion/jo-cox-brexit-and-the-politics-of-hate.html>> accessed 29 September 2019

³⁵⁴ The Daily Mail, Nigel Farage, (April 2, 2014), cited in Satnam Virdee and Brendan McGeever, ‘Racism, Crisis, Brexit. Ethnic and Racial Studies’ [2018] 1814.

³⁵⁵ The Public Order Act, s18

no thought being given to the potential dangers of toxic speech³⁵⁶. An example of this can be seen in a BBC interview with Farage whereby he said, *'If people feel that voting doesn't change anything, then violence is the next step', 'I find it difficult to contemplate it happening here, but nothings impossible'*³⁵⁷. Daniel Trilling, writing for the *New York Times* theorizes that, *'This is a typical demagogue's tactic, a statement so ambiguous it can be read as both a warning and an encouragement'*³⁵⁸.

UK politicians such as Nigel Farage vehemently deny any suggestion that they may have incited violence by motivating the responses of the electorate during the EU referendum. In opposition to Farage's denials, an online petition was signed by 42,691 people who called for Farage to be prosecuted by the *Crown Prosecution Service* for inciting racial violence. However, Farage stated that he 'utterly rejects' any suggestion that he or any campaign which he had been involved in had 'incited any type of hatred'. Farage said of the people who signed the petition, *'I suggest they get all get a life and recognize that this referendum is over'*. A Sivanandan³⁵⁹ sums up this disassociation approach by political parties and the inherent dangers of doing so:

*'In the post referendum period, racial violence and harassment became widespread and brazen. But in going along with the dominant narrative, the government reduced racial violence, a socially based issue, to individualised 'hate crime'. And in doing so siphoning off racism and racial violence to the terrain of law and order, the government conceals its complicity in creating state racism. The struggle then is on two levels, both at once: against state racism and against 'hate crime'*³⁶⁰.

³⁵⁶ James Martin, Rhetoric of excess, EU Referendum Analysis 2016: Media, Voters and the Campaign , Early reflections from leading UK academics [2016] 21

³⁵⁷ Daniel Trilling, The New York Times, 'Jo Cox, Brexit and the Politics of Hate' <<https://www.nytimes.com/2016/06/17/opinion/jo-cox-brexit-and-the-politics-of-hate.html>> accessed 29 September 2019

³⁵⁸ Daniel Trilling, The New York Times (n 357)

³⁵⁹ A Sivanandan, "Race, Class and the State" (1976), cited in Jon Burnett, Racial violence and the Brexit state [2016]

³⁶⁰ A.Sivanandan (n 359)

Inciting Violence

During this study consideration was also given to the right to ‘Freedom of Expression’ under Article 10 of the *Human Rights Act* 1998. Article 10 also confers the right to ‘*hold opinions and to receive and impart information without interference*’³⁶¹. However, along with a person’s right to ‘freedom of expression’, attention must be drawn to the words contained within Article 10 (2) of the *HRA* 1998. Article 10 (2) sets out that ‘*the exercise of these freedoms*’, ‘*carries with it duties and responsibilities*’ and the right ‘*may be subject to restrictions in the interests of public safety, for the prevention of disorder or crime and for the protection of the rights of others*’³⁶². Certainly, the encouragement by the British tabloids to its readers to back an exit from the European Union was unquestionably hostile towards the issue of immigration and migrants. Therefore, such ‘hostile’ rhetoric should have been subject to restrictions under Article 10 (2)³⁶³.

Furthermore, some British tabloids splayed dehumanising language across their front pages with headlines such as, ‘*The Invaders*’ and ‘*Illegal Migrants Flood In*’³⁶⁴. Using references likening migrants to ‘aliens’ and using words such as ‘flood’ and ‘swarm’ can only be perceived as ‘inflammatory’. Therefore, for ‘public safety’ and or the ‘prevention of disorder and crime’, limitations should have been imposed on the British tabloids and political parties. Moreover, it is proposed that such reporting ‘stirred up’ racial hatred and ‘demonstrated hostility’ towards migrants, contrary to section 28 of the *CDA* 1998 and Section 18 of the *POA*. Consequently, those who clearly crossed the threshold of criminality should have had their rights restricted under Article 10 (2) of the *HRA* 1998.

³⁶¹ The Human Rights Act, sch 1 (10) (1)

³⁶² The Human Rights Act, sch 1 (10) (2)

³⁶³ The Human Rights Act, sch 1 (10) (2)

³⁶⁴ Simon Osborne, *The Independent* (April 2015), ‘Katie Hopkins has just written a piece so hateful that it might give Hitler pause – why was it published?’ <<https://www.independent.co.uk/voices/katie-hopkins-when-is-enough-enough-10186490.html>> accessed 29 September 2019

So far, British tabloids such as *The Sun*, *The Daily Express* and *The Daily Mail* have made no apologies for their front page headlines condemning migrants with its slogans of, ‘*Illegals Have Landed*’, ‘*Every Four Minutes A Migrant Is Arrested In Britain*’, and, ‘*The Swarm On Our Streets*’³⁶⁵. Comments suggesting that migrants are ‘*taking over our country*’, and the prospects of citizens having to endure ‘*sexually predatory migrants*’, were frequently strewn across the front pages of popular British tabloids. This study has shown that throughout the EU referendum, negative headlines against migrants were common place. Therefore, it appears that increased harmful narration concerning immigration had become the ‘norm’.

In concluding this point, it is quite extraordinary that the British tabloids thought that it was perfectly acceptable to vilify a whole community and migrants were ‘fair game’ to their hostile reporting. As outlined, no British tabloid has yet shown any remorse for its dramatic and grossly inaccurate newspaper headlines. Ironically, after the referendum result most tabloids condemned the hate filled ‘racist thugs’ and the ‘horrific abuse’ against migrants. Even a key journalist for *The Sun* stated that, ‘*We are appalled at reports of racist abuse and utterly condemn attempts to provoke division in our society*’. Embracing a ‘law and order’ stance after their scaremongering headlines such as ‘*Migrants, how many more can we take*’ can only be seen as double standards³⁶⁶. Perhaps the tabloids and more specifically *The Sun*, should heed advice from their own journalist who wrote, ‘*anyone caught inciting racial hatred must feel the full force of the law*’³⁶⁷.

³⁶⁵ Tom Rawstone, Mail Online (May 11 2009), ‘Hundreds of illegal immigrants armed with knives and crowbars swarm round Calais trucks heading for Britain’ < <https://www.dailymail.co.uk/news/article-1180180/Hundreds-illegal-immigrants-armed-knives-crowbars-swarm-round-Calais-trucks-heading-Britain.html> > accessed 29 September 2019

³⁶⁶ Jon Burnett, *Racial violence and the Brexit state* (2016) cited in Jenny Bourne, *The seeds of post Brexit racial violence* [2016], 95.

³⁶⁷ Jon Burnett, *Racial violence and the Brexit state* (2016) cited in Jenny Bourne, *The seeds of post Brexit racial violence* [2016], 95.

Just like the British tabloids, evidence strongly suggests that some political parties failed to uphold their duties under Article 10 (2) of the *HRA 1998* in the lead up to the referendum result. As described earlier, UKIP's campaign saw them displaying and supporting posters depicting migrants in an undesirable light which was subsequently reported for inciting racial hatred³⁶⁸. Daniel Devine suggests that it was this poster and the murder of Jo Cox on the same day that changed the narrative of hate crime and as such transformed the consequences of the Brexit campaign³⁶⁹. By using scare mongering tactics, it is suggested that UKIP attempted to convince the electorate that migrants were a danger to the 'British' way of life. Using made up images of migrants trying to enter the UK with their 'Breaking Point' poster, can only be '*threatening words or displaying written material which is threatening*', an offence under the *UKRRA 2006*. David Prentis from the Unison union defined the poster as a '*blatant attempt to incite racial hatred*'. Prentis further announced that it was, '*scaremongering in its most extreme and vile form*'. Prentis makes the crucial point that '*to pretend that migration to the UK is only about people who are not white is to peddle the racism that has no place in a modern and caring society*'³⁷⁰.

But the British public are no strangers to false representations from UK politicians. Dr Morrison writes that '*UKIP's crystallisation of the fabled Cameron 'swarm', suggested a threefold untruth*'³⁷¹. Most shockingly though it suggested that young able bodied males were coming to steal British jobs and livelihoods. Therefore, even historical evidence shows that politicians have used 'fear' in the British public to gain their support whilst at the same time using negative commentary regarding immigration and its 'proposed' meaning to the United

³⁶⁸ Daniel Devine, The UK referendum on Membership of the European Union as a Trigger Event for Hate Crimes, [2018], Division of Politics and International Relations,

³⁶⁹ Daniel Devine (n 368)

³⁷⁰ Heather Stewart, Rowena Mason, The Guardian (June 2016) , 'Nigel Farage's anti-migrant poster reported to police' <<https://www.theguardian.com/politics/2016/jun/16/nigel-farage-defends-ukip-breaking-point-poster-queue-of-migrants>> accessed 29 September 2019

³⁷¹ James Morrison, 'Early reflections from leading UK academics'. EU Referendum Analysis 2016: Media, Voters and the Campaign, [2016] 66.

Kingdom. Moreover, it is suggested that those political parties and the newspapers have joined forces to impart their dangerous ideologies. ‘*A discourse of scapegoating migrants and minorities has been given virtual ‘free reign’ and thus politicians have pushed an ‘anti-immigrant agenda’ with the assistance of some British tabloids*³⁷².

Other perspectives can also be considered; for instance, the fact that immigration is a legitimate subject for public deliberation is an acceptable argument. However, the UN High Commissioner for Human Rights makes the following point for those wishing to discuss such highly volatile topics; ‘*while migration and refugee issues are completely valid topics for public debate, it is imperative that migration policy decisions that affect people’s lives and fundamental human rights should be made on the basis of fact – not fiction, exaggeration or blatant xenophobia*³⁷³. The Commissioner makes the case even stronger when highlighting the potential dangers of ‘demonizing foreigners’ and putting profit and power before people by stating that,

*‘history has shown us time and again the dangers of demonizing foreigners and minorities, and it is extraordinary and deeply shameful to see these types of tactics being used in a variety of countries, simply because racism and xenophobia are so easy to arouse in order to win votes or sell newspapers’*³⁷⁴.

Another area for concern is the ‘ripple effect’ of such damaging headlines and negative political party discourse as ‘anti – refugee headlines have far reaching consequences’³⁷⁵. It not only affects those migrants that are living in the UK that are affected but also those wishing to enter the UK and other European countries. For instance, Max Fisher writing for Vox states that

³⁷² David Wearing, Racism and xenophobia are resurgent in the UK, and the centre-left is partly to blame, [2016], London: OpenDemocracy Ltd.

³⁷³ Zeid Hussain, United Nations Human Rights, ‘Human Rights Chief urges U.K. to tackle tabloid hate speech, after migrants called “cockroaches”’
<<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15885>> accessed 29 September 2019

³⁷⁴ Zeid Hussain (n 373)

³⁷⁵ Max Fisher, Vox, ‘Nothing captures Western hypocrisy on refugees like these British tabloid front pages’
<<https://www.vox.com/2015/9/3/9252649/syrian-refugee-boy-british-tabloids>> accessed 29 September 2019

because of the UK's anti refugee sentiment, it has affected how many Syrian refugees it has taken, this time only 216 were admitted³⁷⁶. Zeid Hussain the UN High Commissioner quantified this idea when he declared that,

‘this is not only sapping compassion for thousands of people fleeing conflict, and human rights violations’... ‘The nasty underbelly of racism that is characterising the migration debate in an increasing number of EU countries, has skewed the EU response to the crisis...and could sadly result in further massive loss of life’³⁷⁷.

With regards to freedom of expression, for those political parties and British tabloids who may attempt to protect their rights under Article 10 of the *HRA*, must also be aware of potential prosecutions under hate speech laws if found in breach of hate speech legislation. Furthermore, those who attempt to negate their responsibilities by suggesting that their intentions was to merely impart information onto the electorate would do well to heed the comments made by Tulken, *‘the danger is that hate speech turns into hate deeds and violence’*. In concluding this point, it is suggested that the British tabloids and UK political parties cannot demand that their rights be upheld to *‘hold opinion...without interference’³⁷⁸*, when such ‘opinions’ have devastating consequences to those who are subject to their toxic rhetoric. Legislation reaffirms this under Article 10 (2). It is extremely clear from this study that the British tabloids, UK political parties and some individual politicians completely disregarded their ‘duties and responsibilities’ contained within Article 10 of the *HRA* 1998. They certainly exhausted their right under freedom of expression to the detriment of migrants and ‘others’ who were perceived as ‘not British’, and they did so without considering the potential effects on ‘the protection of health and morals’ and the rights of others³⁷⁹.

³⁷⁶ Max Fisher, (n 375)

³⁷⁷ United Nations Human Rights, UN Human Rights Chief urges U.K. to tackle tabloid hate speech, after migrants called “cockroaches”
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15885&LangID=E> accessed 29 September 2019

³⁷⁸ The Human Rights Act 1998, sch 1 (10) (1)

³⁷⁹ The Human Rights Act 1998, sch 1 (10) (2)

Therefore, it is suggested that through their negative discourse they incited a type of ‘hostility’ towards migrants that had not been witnessed in decades. It is certainly known that UKIP has made no attempt to apologise for its extremely controversial use of the ‘Breaking Point’ poster and its use of anti-immigrant sentiment. Section 28 of the *CDA 1998* confirms the criminality of ‘demonstrating hostility’ and the *POA 1986* also presents the offence of using ‘threatening words or behaviour’. Due to past and current UK polls depicting immigration as an extremely volatile topic; it must have been apparent to political parties and the British tabloids that any negative narrative, and most certainly, consistently negative narrative concerning immigration, would only fuel an already unstable environment. Proof that British tabloids can manipulate the responses of their readers came in a recent poll from YouGov, a British research and analytics firm³⁸⁰. The poll highlighted that 67 percent of British people gave their support for the British Army to be deployed to keep out the refugees; something that *The Sun* newspaper had previously called for³⁸¹. This reaffirms that British tabloids have the potential to influence the motivations and responses of the electorate.

Consequently, this thesis argues that the British public had been ‘whipped’ into a frenzy regarding the false ‘dangers’ that immigration posed to them. As detailed, historical and current statistical data has evidenced that the power of negative speech can ultimately result in extracting harmful responses from its audience, a point that both political parties and the British tabloids were acutely aware. In fact, each relied on such a powerful notion, with the politicians hoping for parliamentary success and the tabloids wishing for sell out newspapers. The UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein made this comment regarding

³⁸⁰ YouGov, ‘What the world thinks’ <<https://yougov.co.uk/>> accessed 29 September 2019

³⁸¹ Max Fisher, (n 375)

negative newspaper headlines, ‘*many of these stories have been grossly distorted and some have been outright fabrications*’³⁸².

Therefore, through creating a hostile environment and consequently encouraging hate action in some of their readers, the British tabloids and political parties are equally culpable of breaching hate speech laws and therefore cannot demand their rights to be protected under Article 10 of the *HRA 1998*. Specifically, it has been demonstrated throughout this study that political parties and the British tabloids appeared to cross the threshold of criminality with regards to hate crime legislation by ‘*stirring up racial hatred*’³⁸³. Likewise, they crossed the threshold of criminality with regards to Section 4 of the *POA 1986* by using ‘*threatening words or behaviour that causes or is likely to cause distress*’³⁸⁴.

³⁸² Zeid Hussain, United Nations Human Rights, ‘Human Rights Chief urges U.K. to tackle tabloid hate speech, after migrants called “cockroaches”’ <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15885>> accessed 29 September 2019

³⁸³ The Public Order Act, s18

³⁸⁴ The Public Order Act, s4

Future popular vote

Evidence has highlighted that political parties and the British tabloids engaged with a distressing rhetoric in the lead up to the EU referendum and yet no prosecutions were made. Consequently, this thesis concludes that current laws relating to hate speech appear to be enough to limit racial violence, but the interpretation of hate crime in action is an issue. It is certain that this increase of racist and xenophobic comments and behaviour in the lead up to the referendum vote needs serious consideration by administrators of the law. To date no organisation or individual has been held accountable for their negative portrayal of migrants during the EU referendum or for seemingly racist comments. Vilifying a community as some British tabloids and some political parties did by systematically using defamatory and toxic words; is contrary to UK and International law and as such prosecutions should be brought.

It is proposed that legislators need to clamp down on current legislation and bring to justice those that seek to hide behind their right to freedom of expression, especially when such rights infringe on the rights of others. Legislation clearly allows restrictions on freedom of expression if it is in the interests of public safety, and for the prevention of disorder or crime. Therefore, those who deliberately abuse their right to freedom of expression by attempting to impart harmful ideologies, must be impeded and subsequently held accountable.

With regards to the poster used by UKIP that displayed such untruths, Dr James Morrison³⁸⁵ writes that it was a, ‘*masterclass in conflation and exploitation*’. As argued, the poster most definitely satisfied the criteria for ‘stirring up’ racial hatred contrary to the *Public Order Act 1986*. In reference to the poster Morrison makes a noteworthy statement regarding how effective the poster may have been on the electorate, ‘*we will never know for sure how*

³⁸⁵ James Morrison, ‘Early reflections from leading UK academics’. EU Referendum Analysis 2016: Media, Voters and the Campaign, [2016] 66.

*influential it was, though given the Referendums result, the possibility that it swayed some minds is hard to discount*³⁸⁶.

Another key area that was determined by this thesis surrounded the legislator's responsibility to the electorate. If 'law and hate collide' then legislators must look to prosecute and impose tougher sentences on those who attempt to impart far right ideologies onto the public, especially when such ideas create a violent and hostile environment. Even if only a handful of minds were 'swayed' to carry out racial violence, then no persons or organisations, including individual government officials, should be immune from prosecution. Surprisingly though, there is little research surrounding why prosecutions have not taken place, or in fact how to address the issue. Whilst the constraints of this study prevent a discussion surrounding this topic, the subject of lack of prosecution would benefit from further in-depth analysis.

A final note must be given to research that has illuminated the plight of migrants living within the United Kingdom and the 'toxic messages' that they were subjected to. History has already taught us that dehumanising a whole community, similar to how migrants have been portrayed during the EU referendum, has the potential to motivate readers into carrying out racial violence, with the most devastating of results. The chair of the ECRI Christian Ahlund, summed up the issue of negative rhetoric by politicians and the tabloids by stating, '*It is no coincidence that racist violence is on the rise in the UK at the same time as we see worrying examples of intolerance and hate speech in the newspapers, online and even among politicians*'³⁸⁷.

³⁸⁶ James Morrison (n 385)

³⁸⁷ Lizzie Dearden, Independent (8 October 2016), 'The Sun and Daily Mail accused of 'fuelling prejudice' in report on rising racist violence and hate speech in UK' <<https://www.independent.co.uk/news/media/press/the-sun-and-daily-mail-fuelling-prejudice-racist-violence-hate-crime-speech-uk-ecri-report-a7351856.html> > accessed 29 September 2019

Consequently, it seems that the nation has become oblivious to the damaging oratory of politicians and harmful newspaper publications. David Wearing from the School of Oriental and African Studies discusses the ‘*broad repertoire of phrases*’ that Britain uses to ‘*downplay racism*’ and that since a, ‘*fivefold increase in reported hate crimes since the Brexit vote, it is no longer tenable to, ‘sweep this issue under the carpet*’³⁸⁸. Wearing continues and makes the firm statement that, ‘*this country has a problem*’³⁸⁹.

Consequently, it is put forward that legislators have developed apathy regarding hate speech laws versus freedom of expression. The lack of prosecutions surrounding the behaviour and conduct of UK political parties and the British tabloids certainly supports this idea. Perhaps then, just like Enoch Powell and his Rivers of Blood speech; the poisonous ideas of some politicians have entered the political mainstream to take revenge on a complacent establishment³⁹⁰. If this is what happened during the EU referendum, then serious consideration needs to be given to how hate crime in action is understood by authorities so that current legislation is effective.

Therefore, this thesis concludes that UK political parties should take great care in their preparation for any future popular vote. Paying special attention to hate speech legislation, political parties must ensure that their campaigns do not cross the threshold of criminality with regards hate speech legislation. Moreover, it is imperative that political parties are constantly mindful of their vocabulary and how they communicate controversial information to the electorate. The documented evidence certainly indicates that fervent political campaigns may

³⁸⁸ David Wearing, Racism and xenophobia are resurgent in the UK, and the centre-left is partly to blame, [2016], London: OpenDemocracy Ltd.

³⁸⁹ David Wearing (n 388)

³⁹⁰ Michael Kenny and Nick Pearce, ‘Will post-Brexit Britain overcome or fall further upon Enoch Powell’s troubling legacy?’ <<https://www.newstatesman.com/politics/uk/2018/04/will-post-brexit-britain-overcome-or-fall-further-upon-enoch-powell-s-troubling>> accessed 29 September 2019

influence and encourage some people to carry out racial violence. Equally, the editors choosing not only the headlines for their front pages, but the whole newspaper content, must be conscious of the language and expression used by their journalists. Failure to do so risks the safety of the electorate by potentially ‘stirring up’ and contributing to racial hatred³⁹¹. If UK legislation on hate crime is breached, then no offender should be afforded protection under Article 10 of the *Human Rights Act 1998*. In today’s society it is simply unacceptable to attempt to polarize a nation purely for profit or political gain.

³⁹¹ The Public Order Act, s18

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