Of hate and beyond. A decade of violent and racist rhetoric online and offline

by Paola Andrisani

When, 10 years ago, we started talking about something vaguely resembling the so-called "hate speech"[1], we had no idea what it would become or how it would evolve over time[2]. The gradual discovery of the (negative) potential of the Internet, from 2009 onwards[3], as well as its instrumental use and the exponential growth in the use of social media have left us with barely a glimpse of possible future outcomes. The Web runs too fast, and online hate follows.

News coverage increasingly reports of people or groups attacked verbally with stigmatizing and discriminatory expressions, especially on the Web. At the institutional and organised civil society level, initiatives are multiplying to try to stem an ancient phenomenon, that is carried out through new and increasingly sophisticated means[4]. The use of the Web as a vector of incitement to hatred raises new questions, requiring the search for adequate responses at the legal level and means to counter these practices inspired by violence. These steps do not always keep pace with the changes in the phenomenon.

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[1] See. P. Andrisani, "Facebook: le nuove forme di razzismo online", in Lunaria (Ed.), *Cronache di ordinario razzismo. Secondo libro bianco sul razzismo in Italia*, Edizioni dell'Asino, 2011, pp.151-153.

[2] From January 2007 to March 2020, in the online database of cronachediordinariorazzismo.org as many as 3,737 (out of a total of 7,567 cases, so almost half) cases of "racist propaganda" were collected, of which 2,101 more closely related to "hate speech", hate speech and incitement to hatred.

[3] The first studies on online hate speech, civil rights in cyberspace and the new challenges posed to society by the Internet were published in the US in the late 90s.

[4] Among the most recent initiatives, in May 2020, was launched Chi odiia paga (COP), the first Italian legaltech platform that represents people targeted by online hate (from misogyny to xenophobia through Islamophobia, homophobia, anti-Semitism) against the related crimes of which they are victims. In July 2019, on the other hand, the campaign to support and help to hate victims on the web, *Odiare ti costa* was launched, wanted by Tlon and Wilde Side law firm of Bologna, on the initiative of the association "Pensare Sociale".

The responsibilities for the propagation of online speech are manifold: some politicians use it as a tool to search popular consensus; social media does not delete it in the name of freedom of expression – though few steps have been taken in the wake of 2020 US presidential campaign; public and institutional functions do not always seem to fully understand the power of hate speech on social media and its effects in real life.

In the long run, hate speech has been normalized and legitimized, with the effect of reproducing prejudices and stereotypes towards its chosen targets. In this scenario, complex phenomena such as migration, besides being treated with populist rhetoric and simplistic slogans, are the object of easy speculation, which generates confusion and misinformation[5].

Delimiting the contours of hate speech remains complicated task, even as social media have changed the very idea of what public discussion is. The public sphere is no longer populated by news media companies, but increasingly and pervasively, by individuals, non-professional subjects, who constitute a galaxy of informal news sources. Every day, all of us, in a more or less conscious way, can share information or content online, which could be potentially discriminatory and used to attack specific groups.

The discovery of the Stormfront.org[6] forum in 2011 was in this sense enlightening and began to set the pace and showed the reach of hate speech.

It quickly went from "trivial" offensive online games[7], groups and profiles explicitly and grossly racist, or pages of parties with openly xenophobic content (for example, the pages

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5 A report released in September 2019 by the Oxford Internet Institute (OII), 'The Global Disinformation Order: 2019 Global Inventory of Organised Social Media Manipulation', shows that organised social media manipulation has more than doubled since 2017. The report is the result of a three-year monitoring, which reveals the actions in place to disseminate diverted information on social networks through the use of algorithms, automation and Big data, with the ultimate aim of manipulating the public sphere. The report is available here https://comprop.oii.ox.ac.uk/research/cybertroops2019/.

6 See the chapter in this report.

7 As an example: "Bounce the clandestine", an application developed in early summer 2009 available on the official Facebook page of the Lega Nord, and "Stomp on the Gipsy", the "prize game" that appeared in 2011 on the Facebook page of Forza Nuova Roma Sud.

of many local sections of Forza Nuova, CasaPound and Lega Nord), to a subtle and less obvious forms of racist verbal violence, often disguised as alleged information[8].

In these years numerous efforts have been made at the regulatory level[9] as well as progress in the adaptation of international conventions while there was also more active cooperation from social network companies[10]. The regulatory framework in Italy, though, is still inadequate. There is no specific legislation on hate speech and the legal vacuum is filled by the application of the laws that regulate the "incitement to racial hatred", "propaganda of ideas based on superiority and racial hatred", "insult, defamation and threat".

From 2014 onwards the discussion on hate speech online and more specifically on social media finally got momentum. The overlapping of forums, social media, media becomes clear (let's call it "Stormfront model"). With this awareness came the implementation of those laws that we have referred to above also for Websites and social media pages and accounts.

Thanks to case against Stormfront.org (2013), today there is a judicial precedent on the matter that could help write a new history of the fight against hate speech in Italy[11]. Even that story is far from over, as the last appeal is still in progress (in 2020, ed.), it could still open scenarios which perhaps will go beyond the criminal sanction. But repression is not sufficient to adequately face and drastically reduce hate speech online.

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8 See P. Andrisani, "Il perverso intreccio tra odio virtuale e odio virale", in Lunaria (a cura di), *Cronache di ordinario razzismo. Terzo libro bianco sul razzismo in Italia*, 2014, pp. 115-122.

9 One of the last acts comes at the end of January 2020, when the "Working Group on the phenomenon of online hatred" was set up by the Minister of Innovation Paola Pisano, in agreement with the Minister of Justice Alfonso Bonafede and the Undersecretary to the Council Presidency with responsibility for Publishing Andrea Martella. The group is aimed at identify the trends, map possible technological tools to combat it, identify the ways in which social networks companies can contribute to limiting its impact on society in compliance with constitutional principles.

10 The Code of Conduct on the unlawful incitement to hatred online was initialled on 31 May 2016, in accordance with Framework Decision 2008/913/JHA of 28 November 2008 on combating racism and xenophobia by means of criminal law and in accordance with the national laws transposing it. Available here: https://www.altalex.com/~/media/Altalex/ Annexes/2016/ Annexes%20free/hate_speech_code_of_conduct_en%20pdf.pdf.

11 For a non-exhaustive collection of criminal cases on hate speech, see: Lunaria (edited by Antonello Ciervo), *Discorsi e reati razzisti, condotte discriminatorie. Gli orientamenti della giurisprudenza più recente*, 2017, available here: https://www.lunaria.org/wp-content/uploads/2017/09/rassegnagiurisprudenza.pdf.

If the Stormfront case brought focus on Web and forums, in more recent years we saw the rise of racism smear on social networks. The cases of the insults against Cecile Kyenge[12] and Laura Boldrini (Minister and President of the House of Parliament) mixed racism and sexism. The rising of the social media hate speech determined, after 2017, the development of several counter-narrative initiatives[13]: so as not to "punish" only with exemplary sanctions[14].

While rigorous censorship and harsh punishment of racist discourse, and the production of a counter narrative are useful and indispensable, there seems to be an awareness that without questioning the structural foundations of racism, all the emphasis placed on the fight against hate speech risks becoming a mere rethorical exercise. The election campaign that preceded the general election on 4 March 2018 highlighted all the changes that had taken place in previous years, with a peak in the spread of hate speech that continued to influence public debate in the following months. 2018 also drew many people's attention to the "role played by discriminatory, stigmatising and all too often disparaging and offensive political propaganda, particularly against migrants, asylum seekers, refugees and Roma"[15].

After more than 10 years, when everything has been said and written about, what can we add to the debate on hate speech in Italy?

Blocking is also social. Facebook and its recent evolutions

It is certainly useful to analyse the ascending and descending parables of social media, how they have changed, and how they have contributed to the spread of racist propaganda. Facebook is not the same as it was 10 years ago. Replaced by Twitter first,

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12 See, D. Zola, "La ministra diventa un capro espiatorio: il caso Kyenge", in Lunaria, *Cronache di ordinario razzismo. Terzo libro bianco sul razzismo in Italia*, 2014, pp. 203-209.

13 See, P. Andrisani, "Fuori controllo. Quando i social media scavalcano il "muro" del razzismo", in Lunaria, *Cronache di ordinario razzismo. Quarto libro bianco sul razzismo in Italia*, 2017, pp. 63-73.

14 See: "La "viralità" positiva. I social network come strumento innovativo di denuncia dell'odio in rete", in Lunaria (a cura di), *Focus n. 4/2018, Il ritorno della razza, June* 2018,: https://www.lunaria.org/wp-content/uploads/2018/06/Focus-N4_ilritornodellarazza.pdf.

15 See: Lunaria (Ed.), *Le parole che fanno male. L'hate speech politico in Italia nel 2018*, 5 Giugno 2019: http://www.cronachediordinariorazzismo.org/wp-content/uploads/0_IT_WAS_REPORT_17luglio2019.pdf.

and Instagram and Tik Tok, it sees on the one hand a sharp drop in users; on the other hand, a radical change in the use that its subscribers make of it and the ways the company fights hate speech.

In 2019, Facebook founder & CEO Mark Zuckerberg proposed equal rules for all online operators on violence and fake news, privacy, data portability and election protection. Ten months after that manifesto[16], and after a summit with the European Commission to agree on common rules, the social network released a white paper[17] containing some open questions on online regulation and proposed guidelines to push companies to "responsibly balance values such as security, privacy and freedom of expression". It also plans to implement forms of censorship, considering "the impacts of decisions on freedom of expression" and developing an "understanding of the capabilities and limitations of technology in content moderation". Finally, it introduces criteria of proportionality and necessity to decide how to delete content deemed violent.

A crucial case in this regard is that of September 2019, when Facebook and Instagram decided to censure the pages of two neo-fascist political parties, CasaPound and Forza Nuova, and the accounts of numerous exponents of these movements because of the repeated forms of incitement to hatred and violence contained therein. This tougher policing content was something completely new and it reveals the complexity and multiplicity of the interests at stake. There are at least two major issues: the public or private dimension of social networks, and the scope for action by providers in the case of illegal conduct committed within their platforms and, in particular, in the case of hate speech.

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16   See: https://www.facebook.com/notes/mark-zuckerberg/a-privacy-focused-vision-for-social-networking/10156700570096634/

17 "Charting a way forward: online content regulation" focuses on what Facebook considers to be the most urgent issues to resolve. First: preserving freedom of expression while taking action against online hate speech. Second: increasing control over internet platforms. Third: establish the objectives of the Web regulations. Fourth, to decide whether or not to entrust the definition of harmful content online into a law.

The Facebook's press release[18] in which the reasons for the blackout are explained brings some questions: can social networks, as owners of the platforms that host the content entered by their members, freely dispose of the digital content of its users? On the other hand, social platform companies can no longer be allowed to act as if the issues of online hatred, fascism and racist verbal violence were private issues between the offender and the offended.

After the removal of the pages, two appeals were filed under Article 700 of the Italian Criminal Code, one by CasaPound and one by Forza Nuova. The appeals, which were filed in different courts, resulted in two opposite decisions. The first ruling, issued by a court that deals with business matters (order of 12 December 2019)[19] , was favourable for CasaPound, with an attached order to pay the legal costs of Facebook[20]; the second, issued by the section that deals with individual rights and civil immigration in February 2020[21], led to a complete rejection of the application by Forza Nuova and the obligation pay the costs of the dispute.

The first measure, although of a precautionary nature[22], ordered the reactivation of the CasaPound page, and the personal profile of its administrator. On the basis of the assumption that the relationship between Facebook and its users "is not comparable to the relationship between two private individuals of any kind, since one of the parties, Facebook, holds a special position". The "speciality" of such position would require Facebook, according to the Court of Rome, to adhere, in its negotiations with users, "to respect the constitutional and regulatory principles", which constitute "for the Facebook

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18 Facebook had decided to obscure those pages because "people and organizations that spread hate or attack others based on who they are have no place on Facebook and Instagram. Candidates and political parties, as well as all individuals and organizations present on Facebook and Instagram, must respect these rules, regardless of their ideology".

19 Tribunale di Roma, Dec. 12, 2019, sezione specializzata in materia di Impresa, n. 59264/2019 R.G available here: https://globalfreedomofexpression.columbia.edu/wp-content/uploads/2020/01/sentenzacpifb.pdf.

20 Facebook has, however, filed a complaint against this measure because "there is concrete evidence that Casa Pound has been engaged in organized hatred and has repeatedly violated our rules".

21 Tribunale di Roma, Feb. 23, 2020, Sezione diritti della persona e immigrazione civile, n. 64894/2019 R.G., consultabile qui: http://www.questionegiustizia.it/doc/Ordinanza-RG-648942019-Forza-Nuova-art700.pdf.

22 See: B. Saetta, "CasaPound e l'ordinanza contro Facebook", ec. 2019, *Valigia Blu*, here: https://www.valigiablu.it/facebook-casapound-ordinanza/.

subject, at the same time, condition and limit in the relationship with users who request access to its service". Hence, again in the judge's opinion, the violation of the "right to pluralism" by the social platform, to the detriment of CasaPound which could not, in this way, express its political messages[23].

As for the second ruling, of opposite sign, the legal reasoning follows different tracks. First of all, there is a strong reference to international conventions on freedom of expression and the manifestation of thought. From this normative introduction, the Court of Rome moves on to the description of the importance of Facebook in the viral diffusion of hate and discriminatory discourses. In particular, a statement by the Special Rapporteur of the United Nations on the promotion and protection of the right to freedom of opinion and expression is recalled, according to which "a discriminatory or hate expression, left uncontrolled, can create a climate and an environment that pollutes the public debate and harm even those who are not users of the platform". The judge writes: "Most of the content and general tone of the plaintiff's work (Forza Nuova), and therefore its purpose is of negationist nature, and thus in conflict with the fundamental values of the Convention, as expressed in its Preamble, namely justice and peace. It notes that the applicant attempts to mislead Article 10 of the Convention by using his right to freedom of expression for purposes contrary to the letter and spirit of the Convention. Such purposes, if tolerated, would contribute to the destruction of the rights and freedoms guaranteed by the Convention".

And again, reporting in a timely manner examples of post indictments (containing cases of hate speech) the judge writes: "The episodes described above would be enough on their own to believe that based on community standards and contractual conditions, Facebook had the right to terminate the contract with the users, who as administrators managed the pages of the various articulations of Forza Nuova. On the contrary, on the basis of the internal and supranational rules and their constant application in the above mentioned

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23 The Ordinance underlines the pre-eminent role of Facebook "with reference to the implementation of key principles of the system such as the pluralism of political parties (49 Const.), to the point that the subject who is not present on Facebook is excluded (or strongly limited) from the Italian political debate, as evidenced by the fact that almost all Italian politicians daily entrust their Facebook page with political messages and the dissemination of ideas of their movement".

jurisprudence and the Code of Conduct signed with the European Commission, Facebook actually had the legal duty to terminate contracts, since it is clear that the reference to the ideals of fascism in a great number of public initiatives and public events qualifies Forza Nuova as a "hate organization", according to the above mentioned contractual conditions and community standards".

As a result of these two measures, and given the conflicting results, beyond the value of such a removal, it would be questionable whether it would be appropriate to leave such sensitive issues only in the hands of the internal policies of social networks[24], or whether it would be more appropriate to provide for co-regulation regimes with the competent authorities, possibly also operating a sort of *a posteriori* censorship, on the recommendation of the same platforms, if the judicial authorities deem it appropriate[25]. At the same time, it would be necessary to make a leap beyond the social and the screens, and return to everyday real life.

Hate speech and beyond

To sum up: after 10 years and more monitoring racist verbal violence, where are we? Far from the shouted rallies of the former leghista mayor of Treviso, Giancarlo Gentilini who advocated the "cleaning of the streets from all these ethnic groups that destroy our country", invoking a revolution against "nomads and gypsies" - he was condemned for these words in 2013. Time has perhaps helped us forget the racist sermons from Father Tam, known for his sympathies with Forza Nuova and his commemoration of the dead of

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24 In September 2019, Facebook set up the Oversight Board, a sort of Court of Appeal that will rule on decisions regarding the deletion of content. An independent body that will be called upon to protect freedom of speech but also to establish its limits. For more information, see: https://www.bbc.com/news/technology-49735795.

25   In this sense goes the Regulation containing provisions on respect for human dignity and the principles of non-discrimination and hate speech issued by AGCOM on May 15, 2019, whose Article 9, paragraph 1 states: "The Authority promotes, through co-regulatory procedures, the adoption by providers of audiovisual media services, as well as on video sharing platforms of measures to counter the dissemination on the network, and in particular on social media, of content in violation of the principles sanctioned to protect human dignity and for the removal of hate content". Disponibile qui: https://www.agcom.it/documents/10179/13511391/Allegato+23-5-2019+1558628852738/5908b34f-8c29-463c-a7b5-7912869ab367?version=1.0.

Salò Republica. Over time a long list of cases have also arrived in the courtrooms and have been sentenced.

Among the many, we can remember the case of Mario Borghezio, a leghista elected official who, during the radio program "La Zanzara" (April 2013), expressed his opinion on the appointment of Cecile Kyenge as minister, stating, among other things, that "Africans are Africans and belong to an ethnic group very different from ours" [26].

In July 2013, Roberto Calderoli, elected official and former minister, was at some Northern League event in Treviglio when he warmed the audience: "Every now and then I open the government website and when I see Kyenge's picture I am flabbergasted. I'm an animal lover for God's sake. I've had tigers, bears, monkeys and everything else. But when I see the appearance of an orangutan coming out, I'm still shocked".

Joe Formaggio, mayor of Albettone (Vicenza), who, again during the radio program La Zanzara, said: "We do not want non-EU citizens. We don't want anyone here to come and fuck with us". And then referring to the hypothesis that some asylum seekers could be hosted in his town, and in relation to the houses identified to give hospitality, he reiterated: "Either we wall them up or we fill them with shit; I wonder what does an immigrant searches in Albettone, where he risks his life. They must understand that we are racists"[27].

The list could go on, illustrating how racist rhetoric has crept into our lives over the years through numerous ways of expressing it.

The last wave was the stigmatization of "Chinese people" (which would involve many other Asians or anybody having some kind of Asian features), who were identified as plague spreaders even before the Covid-19 virus had reached Italy.

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26 In January 2019, Borghezio was definitively condemned for "defamation aggravated by racial hatred".

27 In June 2018 he was condemned by the Civil Court of Milan for "discriminatory behaviour and incitement to racial hatred" against Roma and migrants (compensation for damages of €12,000 and payment of legal fees to the associations of Milan "Lawyers for nothing" and Asgi, who had filed the case against him).

At the end of January 2020, after the outbreak of the epidemic in Wuhan, the Italian media started a using an aggressive language which went hand in hand with cases of synophobia.[28].

The perfect example of this new wave is the statement of the President of the Veneto Region, Luca Zaia, who, during a television broadcast on Antenna 3, said: "We have all seen them eat live rats or this kind of thing. The hygiene habits of our people, the Venetians and the Italian citizens, the education we have, is that of taking a shower, of washing oneself, of washing one's hands often, of a particular personal cleaning regime. Same with food: rules, refrigerators, expiry date. These are cultural facts"[29]. Zaia's words could represent the 2020 synthesis of what we have been trying to define as "hate speech", understood as words and expressions uttered with the aim of mortifying, denigrating, dehumanizing and inferiorizing the people to whom they refer, as well as encouraging and fomenting prejudice, hostility, if not gratuitous violence against one or more groups and individuals.

The huge number of cases collected in our online database in recent years shows a certain constancy in the discriminatory logic and targets, with variations on the theme depending on the perceived emergency of the moment. If analyzed one after the other they give an idea of how hateful speeches and words have been refined over time and how they follow social media trends. All together they sculpt an all-round definition of hate speech that international conventions or official documents, in their more institutional guise, fail to grasp.

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28 See: Grazia Naletto in section 2.3.2 of this report.

29 It may seem paradoxical, but the first case of hate speech collected in the cronachediordinariorazzismo.org database and dating back to March 2007, reports very similar arguments about the alleged lack of respect for hygiene by migrants. In this case, it was the CISL of Florence that denounced that some bus lines would be at the mercy of "hordes of foreigners" who "do not pay the ticket, dirty, are vulgar", so much so as to force other passengers to get off the bus. "Poor cleanliness and disrespect for non-EU Roma and Albanians would turn the bus journey into a kind of hellish circle". And in July 2009, also in Florence, Bianca Maria Giocoli, city councillor of the PDL, reporting alleged episodes of "incivility" occurred on bus lines No. 29, 30 and 35, said that "the Chinese spit on the ground. Once a Roma woman who was at the back of the bus peed, there was a trickle flowing on the floor. Albanians, Slavs, Chinese, squatters, Roma, they all stink. There are gypsy gipsy gangs occupying all the seats, they stink to high heaven, they are filthy, they scratch everywhere, they spread lice around".

Yet, here we do not want to give here yet another definition of "hate speech"[30]. Rather, taking advantage of the experience made in recent years, we would like to try to make an overall reasoning about everything that surrounds it and, above all, feeds it. It is not just "hate", and it is not just "hate speech". Rather than fossilizing on the concept of hate itself, therefore, we should try to work, from now on, on the concept of "racist propaganda", which is undoubtedly more capable of rendering the various facets of the phenomenon, at least with reference to the various serious forms of verbal violence that affect migrants and minorities. The issues and perspectives that would open up, then, would be multiple only if we could shift our attention a little further on the historical, social, cultural and political processes that over the years have favoured the spread and rooting of stereotypes, prejudices and clichés of discriminatory, xenophobic and racist matrix[31].

And in this process, we cannot but look at the "protagonists" of racist propaganda. Too often, in these past years, their role, though central and decisive for the understanding of the phenomenon, has been almost ignored or, in any case, often taken to the background, just to give visibility to the problem itself. But who are those who spread and reproduce hatred? With the Anglo-Saxon term "haters ", international communication experts define the people behind a virtual or real alias who uses internet platforms to express their hatred towards other people, certain specific categories of subjects, an idea or an object. In Italian, we could translate it as "those who hate on the internet". These are people who hate and attack precisely because they have no other arguments to dialectically and culturally oppose to target that triggers their feelings of fear. This is precisely the reason why many of the haters identify, to compensate for their fragile and vulnerable identity, with certain social groups or ideologies: with their sports team, with an extremist ideological group,

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30 For an analysis of definitions and literature see: Lunaria (Ed.), *Words are stones. Analisi dell'hate speech nel discorso pubblico in sei paesi europei. International Report*, 2019: http://www.cronachediordinariorazzismo.org/wp-content/uploads/Report-pagine-singole.pdf.

31 Let us recall that, on October 30 2019, the Italian Senate approved a motion to establish an Extraordinary Commission to combat intolerance, racism, anti-Semitism and incitement to hatred and violence. First signatory of the motion was Liliana Segre, Senator for life and survivor of the Auschwitz concentration camp. The approval led to an episode on the sidelines of the debate: the refusal, from the benches of Forza Italia, Lega and Fratelli d'Italia (who had abstained) to stand up and applaud the senator.

with a nation, with a social group, with a political party, with a religious group. They therefore renounce their incomplete and shaky identity, to replace it entirely with that of the group or ideology with which they identify totally. The motivations that push "normal" people to eliminate all inhibitions and become serial haters can be many: from boredom, to the search for attention, from revenge to the pleasure of doing harm to others, freely expressing their frustrations. Ultimately, there is no single category of "hater", but different types that identify themselves in relation to the motivation that drives them to hate.

The hater, today, is less and less an anonymous "keyboard warrior" that launches a tweet and hides behind a fake profile. Today, the hater wants to be recognized. He claims his negative feelings because he no longer feels alone, but rather he feels legitimized by the social context that surrounds him. A radical and worrying change, while the targets of the offenses and the scapegoats remain the same. Therefore, controversial proposed measures such as the "social media banning" or the introduction of the obligation to use an identity card to subscribe to social networks, are neither sufficient nor adequate to try to fight haters. We should instead ask ourselves what these people are like in normal life, away from the screen and keyboard and start looking at them through different lenses. Hatred often simply turns against everything that constitutes "otherness", that is, what I "must" hate in order to have an identity, to be "I".

As Umberto Eco wrote: "It always takes someone to hate to feel justified in one's own misery"[32].

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32 U. Eco, *Il cimitero di Praga*, Bompiani, Milano 2010.