BETWEEN OLD FASCIST LAWS AND A NEW FAR-RIGHT

MEN

GOVERNMENT, ITALY'S JOURNALISTS BRACE FOR IMPACT

Western populists who attain power often have to unpick with democratic safeguards before indulging their appetite for autocracy. But in Italy, many fascist laws and attitudes never went away - and now have a

'post-fascist' prime minister unafraid to wield them. Long under threat, freedom of expression could be among the first to be hit.

November 26 2022, 13.51pm

By Angelo Boccato

When Giorgia Meloni, leader of the far-right Brothers of Italy, swept to power this September, it might have seemed like an Italian replay of populist ascendancies already seen elsewhere: Donald Trump in the US, Victor Orban in Hungary and Boris Johnson in the UK. In all these places, there was hope - sometimes vindicated, sometimes not - that the built-in defences of postwar democracies will prove robust enough to at least slow down would-be autocrats.

But Italy has no such indulgence. Italy has never seen a definitive break with its fascist past - much of its foundational legislation today rests on fascist laws passed by Mussolini. In more ways than one, modern Italian democracy isn't built to resist fascism, but is primed to receive it. And there are few areas where this is clearer than freedom of the press.

As of the time of writing, journalists facing prosecution under fascism-tinted laws range from Sara Manisera, a freelancer being sued by the municipality of her hometown for making passing remarks about mafia activity in local construction projects; to Italy's perhaps most famous journalist, Roberto Saviano of "Gomorra" fame, currently being prosecuted for defaming Meloni herself. The alleged act of defamation? Calling her and ally Matteo Salvini, "bastards",

in response to their inflammatory rhetoric against migrants and against the NGOs rescuing them at sea. (Salvini, along with a third politician criticised by Saviano - Gennaro Sanguiliano - have also launched their own proceedings against the journalist.)

And while the outcomes of the Saviano trials are yet to be determined, the signal they send to Italian media is clear: no matter how mild your criticism is, no matter how venerated a journalist you are, no one is immune. This is particularly threatening to younger freelancers, who lack the institutional support that might be rallied to aid more recognised names like Saviano's. "It's a message to non-aligned writers and journalists," Luigi Mastrodonato, a freelance journalist who also faced a defamation lawsuit, tells *The*

Lead. "We'll take you to court for [using the word] 'bastard,' let alone the rest".

Ruined even if you win

Defamation litigation is far more flexible in Italy than in the UK, allowing for both criminal and civil proceedings, with politicians and government bodies able to sue journalists at will. "It's easy to use lawsuits in Italy like a bludgeon because there are no risks for those who start them: in civil suits there are no checks and balances," says Andrea Di Pietro, lawyer and coordinator of the legal office of *Ossigeno per l' Informazione*, a press freedom watchdog. The judge would often rule against the plaintiff, he explains, but still charge the accused party with at least some of the expenses. "As legal expenses can come up to €15,000 - €20,000, these can be destructive for journalists who

earn about €1,000 a month," Di Pietro adds.

The litigation process can drag on for as long as seven or eight years because the Italian justice system is overloaded. This can paralyse careers.

Remember Sara Manisera? She's a freelance journalist from Abbiategrasso, a small town outside Milan, and a founder of a freelancers' collective called FADA. "On June 8, 2022, I was in Cutro, Calabria, to collect an award," she tells *The Lead*. "At the ceremony, I said that I saw the mafia infiltrate my own hometown's construction sector, to point out that the best defence strategy is to protect the environment."

"The context here was how mafia organisations in Italy use the construction of shopping malls, highways, and other infrastructure, as a tool for money laundering. I was making the comment to stress

that mafias are not present only in Southern Italy - as per the stereotypes - but also in the North, including my hometown," she explains. Three months later, the municipality of Abbiategrasso - ruled by a civic coalition of Meloni's and Salvini's parties - approved a resolution to proceed with a defamation lawsuit against Manisera.

The municipality has never paused to ask Manisera for clarification or correction. She is keen to stress that she did not refer to any specific official in the municipality, or a municipal institution, or even a specific time period. She is being sued, according to the municipality, because she "muddied" the honour of the citizens of Abbiategrasso. The case is ongoing, but at a snail's pace. She doesn't even know how much the town is suing her for.

The defamation laws aren't there just for local and national political figures. "I received an aggravated defamation lawsuit from an important sports manager for an article about gender discrimination in Italian football," says Mastrodonato. "It was stopped by the judge from proceeding even before I was indicted, but it still involved legal costs in the hundreds, if not thousands, of Euros. I'm a freelancer but I was lucky that the magazine that published the article covered those expenses." Mastrodonato says he never learned how much exactly the proceedings cost the publication: the magazine never told him, and he didn't ask.

He appreciates the outlet having his back, but stresses this was an exception that proves the rule. "This does not usually happen. For a freelancer, having to shell out

thousands of euros for intimidation lawsuits is a problem that can limit future work, to avoid finding yourself in similar situations," he says. Mastrodonato adds that SLAPP lawsuits (strategic lawsuits against public participation) are so common in Italy that they're seen almost as a rite of passage. "The sentence that I heard most about my judicial procedure is that it is a mandatory step if you want to be a journalist in Italy," he adds. "It's almost culturally accepted and deeply rooted. Criminal law in Italy is still based on the Rocco code." The Rocco Code is the 1930 Italian Penal Code, named after the fascist Minister of Justice at the time, Alfredo Rocco.

Fascist laws and partisan media

Press freedom in Italy has long been in decline. It ranks 58th on the Reporters Without

Borders 2022 World Press Freedom Index, down 17 points since 2021. It is the lowest ranking by far in Western Europe, putting Italy squarely between North Macedonia and Niger. From most Italian dailies originating as unabashed soap boxes for political parties, to the infamous media monopolies exemplified by the empire of Silvio Berlusconi, truly independent outlets have always been hard to find. But constraints on free press have deeper roots, and the legal context doesn't make it easier.

"Fascism is part of a very long period in Italian history, twenty years of a regime that wanted to be totalitarian and entered the lives of Italians and that didn't go away from Italian lives after 1945," author and historian Francesco Filippi tells *The Lead*.

"When it was time to get rid of the fascist legacy after the war, it wasn't done for two reasons. The first was that there wasn't

the will to do so, as so many people in Italy could have been seen as fascists after [living and working with the regime for] twenty years. The other reason is that following WWII, a serious antifascist narrative hasn't been structured. Instead, we get this image of a silly regime, not very serious and not as evil as Nazism. This has allowed fascism to remain in the background for over fifty years."

The continuity in the state structures, Filippi points out, is exemplified in the journalistic sector. "The republican and democratic governments that ruled Italy after 1945 often maintained structures that were functional to the management of public order," because it allowed them to exercise power, too.

"Our legislation [on journalism] is very old, dating back to the 1948 Press Law, which has a post-fascist setting," agrees Di

Pietro. The press law retained much of the limits on journalism established during Fascism, especially around criticising politicians, and introduced the defamation mechanisms now used to devastating effect against journalists. "There is a great contradiction here because this law has been written by the Constitutional Fathers just a month after the Italian Constitution; on one hand, they approved Article 21 of the Constitution, which regulates freedom of speech, while on the other, they approved the press law which is very reactionary compared to other European legislation."

Lawsuits from above, death threats from below

Pressure from the far-right isn't limited to defamation lawsuits, however. Paolo Berizzi, a special correspondent at *La Repubblica*, lives under round-

the-clock police protection, due to death threats from the neo-fascist groups he has covered over the years. Another journalist, Federico Gervasoni, had to have police protection at events for three years due to death threats that he received for covering neo-fascist groups in his home town of Brescia, a city once celebrated for its resistance to fascism and to the Nazi occupation.

"The title of my book *Muori Presto* ("Die Soon") takes its cue from intimidation I received a few months earlier from a neo-fascist," Gervasoni recalls. "I specifically wanted the title to recall something raw and violent, a death wish for me. One of the many that have come to me over time for doing my job" .

"We live in a country where there are both the Scelba law and the Mancino law, but this is often forgotten," he says. The Scelba law criminalised

apologia for fascism, while the Mancino Law criminalises gestures, sentences and slogans that incite violence and discrimination for racial, religious, ethnical or national reasons. Neither is rigorously enforced. “We are also the country in which Liliana Segre, a life-long senator and Auschwitz survivor, lives under police protection after threats received from neo-fascist groups,” Gervasoni adds.

Just like the UK is still being shaped by spoken and unspoken legacies of colonialism and empire, the fascist legacy has never stopped shaping the *Belpaese* - except, perhaps, even more directly. And now, a far-right party has taken up the levers of power, including tools crafted by its political and spiritual forebears of the 1930’s. The road ahead for Italian journalists - especially independent ones - is steep.

MENU

Love reading? Hate queues?

Get in The Lead.

Subscribe to our weekly newsletter to stay in *The Lead*.

Email

Postcode (optional)

Submit