

Chapter 5

Vilification, vigilantism and violence: Troubling social media in Australia

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Abstract

The focus of this chapter is on the growth of 'anti-crime' Facebook groups in Australia. Specifically, we focus on the ways in which community justice and vigilantism are exercised through social media in the wider context of the racialized criminalization of Aboriginal and Torres Strait Islander Australians and increasingly other minority groups. We build on earlier work, drawing on a number of anti-crime Facebook pages to examine the ways social media is used to produce and reproduce a racialized narrative of crime. Our analysis finds that these Facebook groups have the effect of legitimating racial vilification, vigilantism and violence against racialized 'others' and that the current regulation of online racism and racial vilification appears to be profoundly inadequate for addressing these concerns. While there are examples of direct links between Facebook groups and incidence of violence, at a broader level it is the constant reinforcement of an environment of racist violence that is most troubling.

Introduction

Drawing primarily on Australian evidence, we argue in this chapter that racism and racist violence have been empowered through the use of social media, and increasingly normalized through these technologies of mass communication. The racist violence manifesting on social media draws on a much deeper colonial mentality towards Aboriginal peoples and other racial minorities, and the emboldened racism in social media has been legitimized and supported by various elites and mainstream media outlets. We demonstrate in this chapter that one of the most troubling outcomes of racism on social media has been the rise of vigilantism, and conclude by showing the inadequacies of current regulatory regimes in terms of responding to social media hate speech and vigilantism.

Social media have transformed human interaction and are now a key form of communication in our hyperconnected world. While social media are a relatively recent

development – Facebook was established in 2004, YouTube in 2005, Twitter in 2006, Instagram in 2010, Snapchat in 2011 and Tinder in 2012 – the explosion of these and other platforms has transformed the way ordinary citizens experience crime and victimization, and how they engage with criminal justice processes. The recent mass killing of 51 people at two mosques in Christchurch, New Zealand and its live streaming on Facebook have ignited debate about the regulation of social media and the responsibility of social media companies for the content that they distribute via their platforms.¹

Older media platforms such as newspapers connected ‘one to many’ – that is, they connected the content producer (for example, the newspaper) with a mass audience (the readership). In contrast, new digital and online technology connects ‘many to many’ through multi-modal (photos, videos, texts, audio recordings) forms of communication.² For example, a single Facebook user or group can engage in rapid, interactive and relatively unmonitored communication between many thousands of individuals. These technological developments have fundamentally changed the way individuals can communicate with one another.

The relationship between new technologies and crime has been a growing focus of criminology.³ Recent research has explored policing and new media,⁴ sexting,⁵ revenge porn,⁶ sexual assault survivors’ use of social media,⁷ the use of social media to expose police misconduct⁸ and the growth of what has been referred to as ‘anti-social’ media such as fight pages.⁹ Indeed, a range of criminal activities have been aided by new media technology, such as identity theft, online fraud, hacking, cyberbullying and the activities of criminal gangs and terrorist networks. Through social media, messages can spread at rapid speed, authors have the option to remain anonymous and the cyberspace remains largely unregulated.¹⁰ Yet there has been little research on online hate speech, incitement to violence and vigilantism, despite consistent criticism of social media companies such as Google and Facebook for failing to respond to online hate crime and extremism¹¹ and the problems this extremism poses for police and prosecutors.¹²

Vigilantism in the digital age

Citizens have often engaged in various forms of community justice, including in recent times Neighbourhood Watch and citizen policing. Arguably, the most volatile form of community justice is vigilantism, yet there has been little exploration of how social media has both facilitated and changed the way that vigilantism is coordinated and carried out. Les Johnston's 1996 definition of vigilantism continues to be widely used today. He defines vigilantism as:

A social movement giving rise to premeditated acts of force – or threatened force – by autonomous citizens. It arises as a reaction to the transgression of institutional norms by individuals or groups – or to their potential or imputed transgression, such acts are focused upon crime control and/or social control and aim to offer assurance (or 'guarantees') of security both to participants and to other members of a given established order.¹³

Such definitions of vigilantism were developed before the rise of social media and fail to capture how social media platforms have transformed the ways in which people interact and engage with crime and criminal justice agencies – and indeed how criminal justice agencies interact with various members of the public through social media.

As our social interactions increasingly take place in the cyber realm, unofficial crime control has flourished and various forms of 'cyber-vigilantism' have emerged.¹⁴ Two areas that have been particularly prominent in hate speech and incitement to violence have been vigilante-style Facebook groups directed against racial, ethnic and religious minorities on the one hand, and people accused of sex offences on the other. In the case of people (often allegedly) accused of sex offences, social media platforms (particularly Facebook and Tinder) that name, shame and expose alleged paedophiles have become the most conspicuous examples of community members advocating for citizen action, and in some cases taking the law into their own hands,¹⁵ with such activities reported widely in Australia¹⁶ and elsewhere.¹⁷ Some vigilante-style

Facebook groups may be short-lived and established around a particular incident,¹⁸ while other groups include 'relatively organized civilian groups that rely on the expertise of initiated volunteers to carry out their activities'.¹⁹ Examples focused on targeting alleged paedophiles include the group Perverted Justice in the United States and groups such as Dark Justice and Letzgo Hunting – the latter with over 15,000 Facebook followers – in the United Kingdom.²⁰

The physical presence of a more or less cohesive and committed vigilante group is now unnecessary for violence to occur against particular people (alleged) to have committed sex offences. For example, in all likelihood the majority of members of the Letzgo Hunting Facebook group in the United Kingdom, or the 11,000 followers of the Kangaroo Court of Australia Facebook group, or the 112,000 followers of the Fighters Against Child Abuse Australia Facebook group will never meet or have common interactions with fellow members of the group other than online through the particular social media site.

While research evidence about the transmission of social media hate speech into real-life behaviour is scarce,²¹ social media sites like Facebook have a presence that can legitimate the beliefs of their members – for example, that violence against a named person is justified because of the alleged failure of the justice system. Further, these sites can provide specific information (the name, photo, residential address, place of employment) of people alleged to have broken the law. In these circumstances, for those members of social media sites who decide that vigilante action is necessary, it is not difficult to locate individuals. In this context, it only takes one or a few of the many thousands of members of these social media groups to decide to engage in violence against identified individuals. As Roose argues, social media can act as an accelerant, 'bringing together disparate, often isolated figures to feed off one another'.²²

Supporting this view of social media acting as an 'accelerant', Karsten Müller and Carlo Schwarz found links between social media and the frequency of hate crime aimed at refugee groups in Europe and the United States.²³ Using Facebook data in Germany, they demonstrated

that right-wing anti-refugee sentiments on Facebook could predict violent crimes against refugees in locations with higher social media usage.²⁴ Correlations found between Twitter usage and hate crimes in the United States similarly indicated that social media plays a role in the reproduction of hate crimes and political polarization. The research suggests that while social media itself may not cause crime, it can act as a propagation mechanism between online hate speech and real-life violent acts.²⁵ It is this problem of racist hate speech and calls for vigilante action on social media, and subsequent communal violence, that we address here in the specific context of Australia.

Racialisation and vigilantism: 'Anti-crime' Facebook groups in Australia

'Anti-crime' Facebook groups have appeared across all states and territories in Australia. Often, these groups are created by local residents concerned about crime in their neighbourhood, and have emerged from frustration with formal criminal justice processes and a perceived need for community policing in order to address (primarily) youth crime. These Facebook groups may have particular positive functions for members: allowing residents to share experiences, alerting others to potential criminal behaviour and providing a discussion platform for local community issues. At the same time, though, these groups largely present a racialized explanation of crime, legitimate the violent and racist rhetoric of their members and often provide specific details about potential targets for vigilantism.

The overtly racialized content (in particular, referring to Aboriginal and Torres Strait Islander young people) and the racialization of crime through social media are a key focus of our analysis. Posts on these Facebook pages often refer to Aboriginal and Torres Strait Islander people as 'animals', 'scumbags' and 'oxygen thieves'.¹ Overwhelmingly, these posts emphasize the racial or physical appearance of these young people and are highly derogatory. The

¹ The quotes from the Facebook pages that are referenced throughout this chapter are verbatim as they appeared on Facebook.

following are typical of racist comments in posts about alleged offences committed by Aboriginal people in various parts of Australia:

I'm not trying to be racist but my personal opinion of aboriginals is ... they are oxygen thieves. (Kalgoorlie Crimes Group, 24 October 2016)

Fucking abos getting out of control ... (Kalgoorlie Crimes Group, 3 December 2016)

... those kids ain't human, they're animals (Dubbo Crimes Page, 22 October 2018)

Posts to these pages are made in real time and, as shown by the comments below, often mention the location of young people, potentially allowing vigilantes to find them easily. The following redacted comments were made on a post about an Aboriginal child 'between the ages of 8-10' who was alleged to have committed a theft offence.

One boys name is _____ lives at _____ Hodges crescent, Vincent. (Townsville Crime Alerts & Discussion, 25 March 2017)

They hang around Cambridge Park. There is a group of them, two girl are in high school and the other all go to vincent primary. There go there everyday afterschool to get the free piece of fruit. They live next the park. As that where ive seen them went walking with the family. they laugh at security and police. (Townsville Crime Alerts & Discussion, 25 March 2017)

Hi mate try the house 2 doors down Fitzroy street mosque (fitsroy street south) I seen him on the bike as I was driving past. Those shoes give it away. There was another fulla with him which I near missed seemed to be off his tree wandering across the road. Hope this helps I don't know the correct number though sorry

Mark, if you could be more accurate with your posting I'd appreciate it. I'm two doors up from the mosque and I don't want anyone thinking I'm involved

in this theft. That sort of information would be best private-messaged, and detail in that message which direction from the mosque you are talking about. Regards, John Ryan. (Dubbo Crimes Page, 1 November 2018)

Often, the very presence of Aboriginal people is considered to be synonymous with crime:

Here you go [smiley face, followed by an image of four youngsters in hoodies]

Young gangster, soon they will rape, steal and kill. and the end of the day you will see them lying with their blood. poor children. (Dubbo Crimes Page, 15 October 2018)

These posts often encourage community members to take the law into their own hands and make suggestions as to how alleged offenders should be dealt with:

I know what 1 looks like and if him or any of his thieving mates come around my place again I dont care what age he might be, he's getting a cricket bat to his head ... Im over this shit, 3 breakins this year (Dubbo Crimes Page, 15 October 2018)

Catch n kill (Dubbo Crimes Page, 15 October 2018)

Wrap a bat around his teeth (Kalgoorlie Crimes Group, 4 October 2017)

Sharpen your star pickets people (Kalgoorlie Crimes Group, 4 October 2017)

This is why people should have guns if it looks like they're going to get away shoot them Just Shoot Em anyway doesn't matter (Townsville Crime Alerts & Discussion, 16 October 2017)

Should've run the bastard over! Reversed up and got a run u at him (Townsville Crime Alerts & Discussion, 25 January 2018)

Don't ring the cops just beat the fuck out of them with poles and leave them in the gutter and just call the ambos

Thats it Mick your right. No point at all calling the cops ... its a pretty bad situation here in Dubbo. They just dont want to face facts. (Dubbo Crimes Page, 30 October 2018)

keep the shovel handy and flog the oxygen out of the scum (Dubbo Crimes Page, 12 November 2018)

Take the law into your own hands now i reckon. It will work better that way. (Dubbo Crimes Page, 18 October 2018)

Comments that include clearly racist and violent threats are posted with apparent impunity. Posters rarely make an effort to conceal their identity, which indicates a lack of shame about the nature of their posts. Often those who are commenting will display their full name, date of birth, employer and where they live. There is an assumed social consensus around what is being stated on the pages – that overt racism and calls to vigilante violence are acceptable on sites that ostensibly exist to develop community responses to local crime problems.

Our research suggests that many of these Facebook groups have emerged in regional areas and often have around 4000 members. Some, though, attract a significantly greater public following.²⁶ A Facebook group in the regional city of Townsville, Queensland – the Townsville Crime, Alerts & Discussions – has over 48,000 members, in a city with a residential population of approximately 190,000. The Townsville Crime Alerts & Discussions Facebook page has carried commentary calling for direct vigilante-style action against those (alleged) to have broken the law. The Townsville group has also had a direct impact on public policy in Queensland. The creators have consistently pushed for more punitive approaches to handling youth crime and organized various petitions, protests and community meetings that have featured prominently in the media. The group advocated for the punitive youth justice

legislation that was introduced in Queensland in 2014 and it was referred to specifically during the second reading speech in parliament. While police have issued official warnings against vigilante action in Townsville,²⁷ vigilante-style attacks have reportedly occurred in recent years.²⁸ In the Northern Territory, it was reported that over 3000 residents had joined the online vigilante Facebook group Darwin Community Justice and had been patrolling the streets in response to youth crime.²⁹ Vigilante groups were also operating in Alice Springs, where a 13-year-old Aboriginal boy was beaten unconscious in what was reported to be a racially motivated attack.³⁰ Similar issues relating to vigilante action have been raised in the Pilbara and Kimberley in Western Australia.³¹

Perhaps the best-known Australian example of a violent attack following social media calls for violence was the death of 14-year-old Aboriginal boy Elijah Doughty in Kalgoorlie in 2016. Elijah was riding a motorcycle when he was struck and killed by a vehicle driven by a 55-year-old non-Indigenous man, pursuing him in response to an alleged theft (see also **Chapter 4** in this book). Following Elijah's death, violent protests took place between community members and the police, when the driver of the vehicle that killed the child was charged with manslaughter (rather than murder) and Aboriginal people were denied entry to the courthouse when the accused first appeared.³² The driver of the vehicle was subsequently found not guilty of manslaughter by a jury that did not include any Aboriginal people. He was instead found guilty of the lesser charge of dangerous driving occasioning death and was sentenced to three years' imprisonment (the maximum penalty for the offence is 10 years). The verdict was met with reactions of grief and anger from the local community. It was reported that over 100 people marched in the streets of Kalgoorlie in protest.

Elijah's death occurred against a backdrop of rising racial tensions and long-standing community divisions in Kalgoorlie. The population of Kalgoorlie sits at around 30,000 and in the months prior to Elijah's death the two main anti-crime Facebook groups (Name Shame Crimes Kalgoorlie and Kalgoorlie Crimes Whinge and Whine) had approximately 18,000 members.³³ In

the days prior to Elijah's death, posts on these Facebook pages had encouraged racist violence and vigilantism. Specifically, posts were encouraging community members to 'run the oxygen thieves off the road if you see them'. Following Elijah's death, posts included 'Good job you thieving bastard. Don't think you'll be touching a bike anytime soon ahaha about time someone took it into their own hands hope it happens again' and 'Aboriginals don't deserve to live. That's good that young boy got killed. Aboriginals don't own Australia. Aboriginals live in the bush. They are filthy animals. They all need the death sentence.'³⁴ Sentiments reflecting this type of overt racism and the promotion of racist violence were not unusual on these sites at this time – and indeed have continued since.

The two Kalgoorlie Facebook groups were both eventually closed down after the death of Elijah. The group's creator was quoted in the media as saying that people running the groups should not be held responsible for the content:

I maintain all comments or posts made in the group belong to the writer and the writer only ... you can close this site down, but I guarantee another 10 will pop up.³⁵

Indeed, not long after they were closed down, new Facebook groups emerged to take their place, again filled with the same sentiments. The (new) Kalgoorlie Crimes Group, which has over 12,000 members, continues calls for vigilante action.³⁶

Since the death of this Elijah doughty all the Aboriginal people have gone on crime wave coz they know they can get away with it (Kalgoorlie Crimes Group, 12 March 2018)

Won't b long until some one else is hurt and we're to blame. They keep asking for trouble. Ud think they would learn ... But u can't teach the stupid I spose

They break into my house and i catch them i will take there hands (Kalgoorlie Crimes Group, 12 March 2018)

Since Elijah's death, Aboriginal children have been racially taunted, photographed and chased by unknown white men in vehicles in Kalgoorlie,³⁷ and racial tensions in the town have remained high.³⁸ In January 2018, the Derby Chamber of Commerce wrote to the Chief Magistrate of Western Australia, arguing that children between the ages of six and 17 were being released from the courts without conviction, and

this has caused the community to take action themselves to protect their property and we can foresee that vigilante groups [are] being formed on social media, who will patrol the streets to apprehend offenders ... there's concern that it will eventuate in a Kalgoorlie situation.³⁹

The anti-crime Facebook groups discussed above show clearly overt racist hate speech, calls for vigilante violence and the associated violence and racial tensions within particular communities. These groups also disseminate particular views about the nature of crime. Within the comments can be found constant repetition of the key assumptions of what Russell Hogg and David Brown refer to as a populist 'law and order common sense', including that crime rates are soaring, the criminal justice system is 'soft on crime', that there should be more police with greater powers, as well as tougher penalties from the courts.⁴⁰

While the various anti-crime Facebook sites convey a particular narrative that corresponds with the elements of a law and order 'common sense', a dominant aspect of this narrative specifically pathologizes Aboriginal and Torres Strait Islander people.⁴¹ In particular, the narrative feeds into a colonialist view that Indigenous cultures are not only primitive, but intrinsically criminal. Aboriginal and Torres Strait Islander people are repeatedly depicted as 'lazy' alcoholics who are unable to look after their children, rather than crime and offending being linked to long-standing social and economic inequalities within Australia.

It's blame every one else for their life. Yet the only ones that can fix it is themselves but they to busy blaming others

The more you hand out the more they will take

So true roger. They keep saying they hate us yet they keep taking from us

With one hand and with the other (Kalgoorlie Crimes Group, 11 November 2017)

Teach them how to be a good pillar of society and get of their asses and get a job and stop taking and believing the good hard working people of Australia [Australian flag emoji] owe them something and should pay for all the welfare they receive and government grants and so on and get over the past move on and teach the next generation to be better people

Obviously have no idea where their kids are, welfare should step in ... but wait for it ... stolen generation we cant take these kids away from them (Kalgoorlie Crimes Group, 13 January 2018)

I'm downright sick of black people telling me I can't think/act/acknowledge anything because I'm white, its not fair to rally against racism yet have so much hatred for white people and children living today, even teaching their children white people are racist, carrying on the racist antics. Blacks need to stop being so racist towards white people just as much! I'm glad this has Come to attention (Alice Springs Community Open Forum, 20 November 2018)

On the Facebook groups we observed, there is little thought or care regarding the ongoing effects of colonization, dispossession, oppression, racism and centuries of the systemic and structural violence that continues to be experienced by Aboriginal and Torres Strait Islander communities today. This structural violence is reflected in high rates of child removal, poor health outcomes, higher rates of disability, lack of access to housing, poor economic outcomes and higher rates of incarceration.⁴² As we have argued elsewhere, the contemporary structural disadvantage and racism faced by Aboriginal communities was created through laws, policies

and practices as a fundamental part of the dispossession of Indigenous peoples in settler colonial states.⁴³ In contrast, the Facebook pages we analysed continue the colonialist fantasy that the colonized are the authors of their own misfortune. We argue further below that this colonialist fantasy is reinforced in sections of the 'old media' and political discourses more generally.

Racism, politics and mainstream media

In the reporting of crime and criminality, the media are not a monolithic entity, with mainstream media (TV, newspapers, radio) usually considered separate from social media (for example, Facebook, websites, blogs). Yet they do share a number of characteristics, one of the most important of which is that they reinforce cultural fears of 'otherness'.⁴⁴ As Phil Scraton notes:

No group conceives itself as *the One*, the *essential*, the absolute, without conceiving and defining the *Other*. The Other is the *stranger*, the *outsider*, the *alien*, the *suspect community*: Otherness *begets* fear, *begets* hostility, *begets* denial. (emphasis in original)⁴⁵

The racism and threats of violence that have come to characterize anti-crime Facebook groups are apparent across social media more generally. Research has established that online racial vilification and harassment are common experiences for many Aboriginal and Torres Strait Islander people and other racialized minorities.⁴⁶ Furthermore, while social media platforms such as Facebook, Twitter and YouTube may be a source of some of the most unrestrained racial vilification in contemporary discourse, overt and casual racism increasingly emanates from parliament and is echoed through television, on talkback radio, and in print and online media.⁴⁷ In December 2017, the UN Expert Panel on the Elimination of Racial Discrimination found that racism and racial discrimination in the public sphere, in political debates and in the media are on the rise in Australia, recommending that Australia 'put an end to racist hate speech'.⁴⁸ Since

then, there have been numerous examples of racist rhetoric from senior politicians and media reporting in Australia.

Perhaps most notably, in October 2018 One Nation's Pauline Hanson introduced a motion that included the white supremacist slogan 'It's okay to be white', which was originally backed by coalition government senators. Following intense media backlash, the government claimed its vote supporting the motion was an 'administrative error' and demanded a second vote to reverse its position.⁴⁹ As Jack Latimore argues, 'the fact that coalition senators were given an opportunity for a "do over" the next day must be peak white privilege' and 'is a clear indication of the ideological position of the coalition government'.⁵⁰ Weeks later, signs declaring 'It's okay to be white' appeared outside the offices of MPs who were critical of the government's original support of the motion.⁵¹ Hanson's motion came not long after right-wing Australian senator Fraser Anning used his maiden speech to the Senate to call for a return to the White Australia Policy and a 'final solution' to immigration, echoing the infamous Nazi phrase used to describe the genocide of Jews in Europe.⁵² Anning was later censured by the Australian Senate for his comments blaming the Christchurch massacre on Muslim immigration. A few months prior to Senator Anning's maiden speech, Home Affairs Minister Peter Dutton stated that white South African farmers who wanted to migrate to Australia 'deserve special attention',⁵³ describing them as 'the sort of migrants that we want to bring into our country'.⁵⁴

Mainstream media has repeatedly come under fire for the promotion of racist content. In September 2018, an investigation by the Australian Communications and Media Authority (ACMA) found the Seven Network's breakfast television program *Sunrise* to be in breach of the code of practice after airing an all-white panel discussion on the adoption of Aboriginal children. During the discussion, it was stated that the Stolen Generations policy that removed Aboriginal children from their families was for their own 'wellbeing' and 'perhaps' it should happen again.⁵⁵ Just a few months later, *Sunrise* host David Koch made a slavery 'joke' live on air.⁵⁶

Bill Leak's infamous cartoon published in the national broadsheet *The Australian* in 2017 provides another example. The cartoon was printed on Aboriginal and Torres Strait Islander Children's Day and just days following the ABC *Four Corners* documentary *Australia's Shame*, which showed the abuse, tear-gassing and use of mechanical restraints that had occurred against (primarily) Aboriginal young people in youth detention in the Northern Territory, triggering a royal commission.⁵⁷ Leak's cartoon depicted an Aboriginal boy being handed by a police officer back to his father, who is shown to be so drunk he is unable to recall his child's name. The implication of the cartoon was that the responsibility for the over-incarceration of Aboriginal children and the abuse they endure in youth prisons lies solely with their parents.⁵⁸ As Bronwyn Carlson and colleagues argue, the Leak cartoon and 'the colonial discourse it reproduced, thus worked to contain the political potential of national outrage by redirecting its source back onto Aboriginal people'.⁵⁹ These colonial motifs are long-running and are reproduced often on the anti-crime Facebook pages we noted above.

Racialized and misleading crime reporting on 'African gangs' in Victoria following the 2016 Moomba 'riot' has been intensified by comments from senior government officials.⁶⁰ Perhaps most notably, Home Affairs Minister Peter Dutton appeared on talkback station 2GB to claim that 'people are afraid to go out to restaurants in the night-time because they're followed home by these gangs'.⁶¹ In January 2019, then Senator Fraser Anning attended a far-right rally against 'African gangs' in Melbourne. It has been argued that these claims have lent legitimacy to far-right groups now planning vigilante action.⁶² Indeed, research by Kathryn Benier and colleagues found that as a consequence of racialized media reporting, young South Sudanese Australians have been subject to increasing racial abuse online and in public settings.⁶³ Their research found that racialized media coverage 'served to embolden people with pre-existing racist and xenophobic beliefs while simultaneously exacerbating the institutionalised racism that young South Sudanese Australians experience on a daily basis'.⁶⁴

The ABC's Triple J *Hack* program, the Seven Network and most recently Sky News have all aired interviews with neo-Nazi and chairman of far-right organisation United Patriots Front (UPF) Blair Cottrell,⁶⁵ who has a criminal history of racial vilification and has previously argued that a portrait of Adolf Hitler be in 'every (Australian) classroom and every school'.⁶⁶ The UPF was one of a number of far-right organisations that vowed to take vigilante action against the so-called 'African gang crisis' in Victoria.⁶⁷ The person charged with the Christchurch shootings, Brenton Tarrant, has been a public supporter on social media of Cottrell and the UPF.⁶⁸

As Andre Oboler points out, the acceptance or indeed promotion of racism and racist language by those in trusted positions of authority – such as senior politicians and police officers – works to normalize racist discourse and marginalizes victims within society.⁶⁹ Carlson and Ryan Frazer note that 'social media can facilitate the reproduction of power hierarchies in which Indigenous people are subjected to racial violence, subjugation and discrimination'.⁷⁰ We argue that this applies equally to other racialized minorities. Indeed, it is the racism and hate speech that is increasingly found in mainstream political and media discourses that supports the ubiquitous nature of racism and violence permeating online social media.

Witnessing and experiencing the kinds of racism discussed in this chapter have real and significant effects on social, emotional and mental physical health and wellbeing.⁷¹ Latimore argues that racist discourse emanating from parliament works to sustain systemic racism:

Psychological distress stemming from exposure to racism is often a key contributor to substance abuse. Elite racism – the kinds of racism filtering down from parliament, for example, to fuel racist attitudes amongst the general public – also leads to unequal access to societal resources requires for good health and wellbeing, such as education, employment and housing.⁷²

Carlson and colleagues use the concept of 'shared recognition' to describe 'the collective sense of anger and frustration experienced by Indigenous people when traumatic events in the public domain act as reminders of the enduring-ness of colonial violence'.⁷³ They argue that:

The collective experience of trauma emanates from a 'shared recognition' of the continuity of colonial practices. This manifests often from the deep seated internalizing of inferiority that comes with the repeated onslaught of racism; Indigenous people, whether politically motivated or not in the 'white' sense of that term, have a deep and abiding knowledge of how we have been, and continue to be perceived.⁷⁴

While it might be reasoned that, in some cases, social media platforms provide the opportunity to disseminate 'counter-hegemonic discourses' in relation to crime,⁷⁵ we argue that the anti-crime Facebook pages that we have examined are quite the opposite. They feed into well-worn populist views of law and order. More deeply, they reproduce a mostly racialized explanation of crime – in fact, on many anti-crime Facebook sites, the very presence of Aboriginal youth in public is presented as synonymous with crime. Such a view reproduces a long-running motif of colonial ideology within Australia – namely that Aboriginal people constitute a racially inferior, crime-prone group of people who deserve either incarceration or permanent removal.

We also recognize, however, that under particular conditions 'the internet can be a powerful source for social good'.⁷⁶ The rise of 'hashtag activism' – from Black Lives Matter to #MeToo – has seen social media as a driving force behind social movements throughout the world.⁷⁷ While it is not the focus of this chapter, it is important to acknowledge that platforms such as Facebook and Twitter have developed as an important political tool for strengthening and amplifying the voices of Aboriginal and Torres Strait Islander people, who use social media to connect, advocate and speak on their own terms about issues that are affecting them.⁷⁸ As Carlson and colleagues highlight, social media sites can be powerful vehicles for opposition for

Indigenous politics, and can form a basis for discursive shifts and potential change.⁷⁹ Social media sites have created new opportunities for counter-hegemonic discourse and counter-racist mobilisation by Aboriginal and Torres Strait Islander people into spaces that historically have been devoid of Indigenous voices, such as mainstream media. The crucial #SOSBLAKAUSTRALIA campaign against the closure of remote Aboriginal communities provides an example of this.⁸⁰

The online response to Bill Leak's cartoon discussed previously provides another example of a creative strategy for 'resisting, subverting and challenging the political status quo'.⁸¹ Following the publication of Leak's cartoon, Aboriginal and Torres Strait Islander people took to social media to post photographs with their families under the hashtag #IndigenousDads. As Carlson and colleagues highlight, the images and stories 'stood in direct contrast to the colonial stereotype of the neglectful Indigenous parent while also promoting culturally specific parenting practices that involve wider familial networks'.⁸² The viral Twitter reaction countering the narrative of 'African gangs' in Victoria was similarly powerful. Under the hashtag #AfricanGangs, members of the Australian Sudanese community shared photographs of weddings, graduation ceremonies, birthday parties and family celebrations.⁸³

The regulation of online hate speech and cyber racism

The expansion of social media platforms alongside the development of new technologies presents a wide range of regulatory challenges with regard to preventing cyber racism, abuse and racial vilification. In this section, we explore the various mechanisms available to address this in Australia. They include civil and criminal racial vilification laws, the criminal law, cyberbullying legislation, the *Broadcasting Services Act 1992* (Cth) (the BSA), intermediary terms of service and codes of conduct, and international protocols and standards.⁸⁴ However, as Gail Mason and Natalie Czapski concluded from their analysis of the regulation of cyber-racism in Australia, 'there is no comprehensive system for expressly denouncing and remedying the harm of cyber-racism by offering an efficient and accountable process for removing harmful

material, backed by a mechanism of enforcement'.⁸⁵ Other Australian scholars have similarly highlighted the difficulties of enforcing online racism and racial vilification.⁸⁶

At the federal level, section 18C of the *Racial Discrimination Act 1975* (Cth) (the RDA) makes it unlawful for a person to carry out an act that is reasonably likely to 'offend, insult, humiliate, or intimidate' another person or a group of people if that act is done on the basis of 'race, colour, or national or ethnic origin'. There are limitations to the protection under the RDA. Section 18D excludes from section 18C anything said or done 'reasonably and in good faith'.⁸⁷ Further, while section 18C potentially provides a powerful protection against hate speech, racism or racial vilification, there have reportedly been few successful prosecutions under this section.⁸⁸ Data from the Australian Human Rights Commission indicates that while complaints made in relation to racial hatred under section 18c of the RDA more than doubled, from 77 in 2015–16 to 159 in 2016–17, just 5 per cent of complaints in the latter period related to material that was published on the internet (including email, social media, websites and chatrooms).⁸⁹ While these figures indicate that complaints of racial hatred under the RDA are increasing, it remains an under-utilised avenue for the remedy of online cyber-racism. An explanation for this may be that under Australian civil hate speech legislation, the locus of enforcement responsibility lies with the victims.⁹⁰ As Gelber and McNamara argue:

Australia's primary model of hate speech regulation places a heavy burden on the targets of hate speech. The legislation can only be invoked in relation to a given incident if a member of the vilified group is willing to step up and take on the arduous, stressful, time-consuming, and possibly expensive task of pursuing a remedy on behalf of the wider community. In a sense, the regulatory model *assumes* the existence of such a person in each of the targeted communities.⁹¹

The fact that proceedings under civil racial vilification legislation must be victim initiated is made even more difficult in the context of anti-crime Facebook groups. These pages are

generally closed to the outside public, meaning that one must first request to join the page and be approved by a group administrator. From our analysis of these groups, the vast majority of the members of these pages are themselves not the targets of the racial vilification.

The *Racial Discrimination Act 1975* is complemented by section 474.17(1) of the *Criminal Code Act 1995* (Cth), which makes it an offence to use a carriage service to ‘menace, harass, or cause offence’.⁹² Mason and Czapski report that this section has been employed more extensively to deal with harmful conduct online, with 308 successful prosecutions between its introduction in 2005 and 2014.⁹³ Although we do not know how many of the 308 prosecutions involved racial vilification, the section of the legislation was used to address racial vilification on Facebook in 2016 when a NSW man was convicted under section 474.17(1) after posting racist and abusive comments on Facebook towards former Northern Territory Senator Nova Peris.⁹⁴ In addition to federal racial vilification laws, each state and territory (with the exception of the Northern Territory) has enacted legislation intended to operate alongside the Commonwealth laws. However, research has questioned the ability of state and territory vilification laws to effectively address online racial vilification, which is not bound by geographical lines.⁹⁵

At the federal level, cyberbullying legislation has been introduced; this is administered by the Office of the eSafety Commissioner. Under the *Enhancing Online Safety for Children Act 2015* (Cth), the Commissioner has the power to investigate complaints about serious cyberbullying material targeted at Australian minors. The legislation has the potential to encompass racial vilification, but can only deal with such content if it is directed at a specific Australian child, not a particular racial group.⁹⁶

Hosts and intermediaries that control websites and social media platforms typically have a set of terms that govern the behaviour of the users who subscribe to their service, with mechanisms for reporting or dealing with harmful content. On Facebook, these include the Statement of Rights and Responsibilities, which requires users not to use the service to bully,

intimidate, harass, post content that is hate speech, or threaten to use or actually use Facebook to do anything unlawful, malicious or discriminatory. Additionally, Facebook's Community Standards state that Facebook will remove hate speech, including attacks on people based on their race, ethnicity, national origin or religious affiliation. It is important to note, though, that the anti-crime Facebook groups to which we refer in this chapter are regulated by administrators (who are members of the groups being monitored) and who are themselves tasked with deleting inappropriate and offensive content. It is a reasonable assumption that the comments to which we refer, calling for vigilante racist violence, have been deemed by administrators to be acceptable content for public discussion and in compliance with Facebook's Statement of Rights and Responsibilities.⁹⁷

In cases where Facebook *is* alerted to breaches of its community standards and rights and responsibilities, there is evidence that Facebook itself is often slow to regulate the racist conduct of its users or may even fail to do so.⁹⁸ Oboler has detailed the significant shortcomings and failures of Facebook in its willingness to address hate speech on its platform.⁹⁹ In 2012, a number of racist images (memes) targeting Aboriginal people began circulating on social media.¹⁰⁰ Facebook's response to the 'Aboriginal Memes' page was that it did not breach its terms of service. Facebook originally removed the pages and then restored them on the condition that the creator label the page as 'controversial content'.¹⁰¹ It was only when ACMA became involved that Facebook blocked the pages, and then it only did so in Australia.¹⁰² As Oboler argues, Facebook's failure to appropriately address online hate creates an attitude where people feel that racism is acceptable.¹⁰³

Ariadna Matamoros Fernandez uses the concept of 'platformed racism' to describe how new forms of racism are articulated via social media, and the ways the platforms operate to amplify and manufacture racist discourse in society – specifically through their design, algorithms and policies.¹⁰⁴ Platforms like Facebook, Twitter and YouTube are not neutral players in the promotion of particular content.¹⁰⁵ It has been argued that self-regulation has

failed in Australia and that governments need to explore the possibility of stronger regulatory regimes for major social media platforms:

Such platforms [Facebook and Twitter] sell significant advertising into the Australian market and should be held accountable under Australian law or be held subject to trade sanctions for failing to voluntarily comply with a reasonable human rights regime based on international treaties of which Australia is a signatory.¹⁰⁶

Although Facebook and Twitter have recently taken steps to remove white nationalist and other hate groups from their platforms,¹⁰⁷ it remains to be seen whether this will be able to stymie the flow of racist rhetoric online. In response to the unwillingness of social media platforms to address online hate crime, Germany passed anti-online hate speech legislation in mid-2017, which threatens to fine providers of online platforms up to €50 million if they fail to delete criminal and unlawful hate speech content.¹⁰⁸ The tightening of anti-online hate speech mechanisms has reportedly led to an exodus of neo-Nazi and other alt-right groups, with many moving their online activities to unregulated spaces.¹⁰⁹ The recently introduced legislation in Australia after the Christchurch massacre – the *Criminal Code Amendment (Unlawful Showing of Abhorrent Violent Material) Act 2019* (Cth) – requires tech platforms to ‘expeditiously’ remove ‘abhorrent violent material’, including acts of terrorism, murder, torture, rape and kidnapping. The legislation does not cover hate speech or calls for vigilante action. As a result, the current regulatory regime has thus far proven incapable of stemming the rise of racist hate speech and promotion of racist violence on social media.

Conclusion

As we have argued previously, social media provides a real-time way of publicizing a vision of moral unity – a unity that is achieved through the exclusion and sometimes violent control of racialized ‘others’.¹¹⁰ The anti-crime Facebook groups we have examined foster a culture of vitriolic racism and vigilante violence, acting as echo chambers that reinforce racialized

explanations of crime. These groups do little to question the broader ideological and political frameworks that present crime and disorder as being disconnected from structural and historical contexts, and even more problematically advocate for the direct use of violence against various individuals and groups.

The regulation of cyber racism, abuse and racial vilification appears to be profoundly inadequate for addressing the concerns outlined in this chapter. As Imran Awan – writing in the context of online Islamophobia – argues, the response to online hate speech requires a multifaceted and international approach from different agencies, including the police, social networking sites and government, that tackle online hate speech as a rising phenomenon.¹¹¹ We would add to that list the importance of civil society in directly challenging the racist content on social media. However, while such an approach may address some of the issues we have raised here, we also recognize the need for broader political interventions: the views expressed throughout these groups mirror white nationalist sentiments that are found in sections of mainstream media and increasingly in Australian political discourse.¹¹²

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Jessica Yarvin (2017) 'These Tech Companies are Purging White Supremacist Groups from Their Platforms', *PBS News Hour*, 18 August, <https://www.pbs.org/newshour/nation/tech-companies-purging-white-supremacist-groups-platforms>.

Notes

¹ Grattan (2019).

2 Salter (2013), p 228.

3 See McGovern (2015); Milivojevic (2011); Milivojevic and McGovern (2014).

4 McGovern (2014).

5 Crofts et al. (2015); Karaian (2014).

6 Henry and Powell (2014, 2016).

7 Salter (2013).

8 Goldsmith (2010).

9 Wood (2017).

10 Awan (2016), p. 2.

11 For example, House of Commons Home Affairs Committee (2017).

12 Awan (2016).

13 Johnston (1996), p. 232.

14 De Silva (2018); Smallridge, Wagner and Crowl (2016).

15 Hill and Wall (2015).

16 Mills (2015); Olding (2016b).

17 BBC News (2018); Milne (2018); Perraudin (2017).

18 See, for example, Trenwith (2010).

19 Smallridge, Wagner and Crowl (2016), p 62.

20 In 2013, Gary Cleary committed suicide after being publicly confronted by members of Letzgo
Hunting and accused of being a paedophile (see BBC News 2013).

21 Müller and Schwarz (2018a).

22 Roose (2018).

23 Müller and Schwarz (2018a, 2018b).

24 Müller and Schwarz (2018a).

25 Müller and Schwarz (2018a).

26 For example, the now defunct Moreton Crime Watch public Facebook group in Brisbane was one
of the larger groups, with over 75,000 members. The group shared the names and photographs
of 18 young people who had allegedly been involved in property offences, and their associates, in
contravention of laws prohibiting the publication of identifying information of children (White
2017).

27 Atkin (2016).

28 McMahon (2016).

29 Smee (2014).

30 Campbell (2017).

31 Parke (2018a, 2018b).

32 Wahlquist (2016).

33 Tomlin (2016).

34 Cunneen and Russell (2017).

35 Tomlin (2016).

36 McKinnon (2018).

37 Toohey (2016).

38 Tomlin (2018).

39 Parke (2018a).

40 Hogg and Brown (1996).

41 As well as other racialized minorities, as we discuss further below.

42 Australian Institute of Health and Welfare (2017, 2018).

43 Cunneen and Tauri (2016).

44 Greer and Jewkes (2005), p. 20.

45 Scraton (2005), p 3 in Cunneen and Tauri (2016), pp 23–4.

46 Carlson et al. (2017); Carlson and Frazer (2018).

47 Ho (2017).

48 Committee on the Elimination of Racial Discrimination (2017), p 3

49 *SBS News* (2018).

50 Latimore (2018).

51 Boisvert (2018).

52 Masters (2018).

53 Burke (2018).

54 Koziol (2018).

55 Meade (2018).

56 Morgan (2018).

57 Meldrum-Hanna and Worthington (2016).

58 Carlson et al. (2017), p 13.

59 Carlson et al. (2017), p 13.

60 For example, former Prime Minister Malcolm Turnbull said he was ‘very concerned at the growing gang violence and lawlessness in Victoria’ and Federal Health Minister Greg Hunt claimed that ‘African gang violence in some areas ... is clearly out of control’ (Wahlquist 2018, see also Benier et al. 2018).

61 Hunter and Preiss (2018).

62 Mannix and Bucci (2018).

63 Benier et al. (2018).

64 Benier et al. (2018), p 4.

65 Davey (2018).

66 Bachelard and McMahon (2015).

67 Kourbaridis (2018); Mannix (2018); Mannix and Bucci (2018).

68 Mann, Nguyen and Gregory (2019).

69 Oboler (2012), p. 61.

70 Carlson and Frazer (2018), p 12.

71 Carlson et al. (2017); Latimore (2018).

72 Latimore (2018).

73 Carlson et al. (2017), p 1

74 Carlson et al. (2017), p 7.

75 Salter (2013), p 226.

76 White et al. (2018).

77 Bonilla and Rosa (2015); Sandoval-Alamzan and Gil-Garcia (2014).

78 Latimore and Galbraith (2013); Rice et al. (2016).

79 Carlson et al. (2017), p 14.

80 Carlson (2016).

81 Carlson and Frazer (2018).

82 Carlson et al. (2017), p 13.

83 Bowen (2018); Dunstan (2018).

84 Mason and Czapski (2017).

85 Mason and Czapski (2017), p 4.

86 Herborn (2013); Hunyor (2008); Montgomery (2014).

87 *Racial Discrimination Act 1975* (Cth), s 18D.

88 Herborn (2013).

89 Australian Human Rights Commission (2016, 2017).

90 Gelber and McNamara (2015).

91 Gelber and McNamara (2015), p 649.

92 *Criminal Code Act 1995* (Cth), s 474.17(1).

93 Trenwith (2010), p 20.

94 Olding (2016a).

95 Mason and Czapski (2017).

96 Mason and Czapski (2017), p 28.

97 McGovern (2014) p 12.

98 Herbon (2013); Maier (2016); Montgomery (2014); Oboler (2012).

99 Oboler (2012).

100 Oboler (2012).

101 Oboler (2012), p 10.

102 Matamoros-Fernandez (2017).

103 Oboler (2012), p 56.

104 Matamoros-Fernandez (2017); see also Roose (2019).

105 Oboler (2012), p 56; see also Wood (2017) on 'algorithmic deviancy amplification'.

106 Oboler (2012), p 11.

107 Yarvin (2017).

108 Müller and Schwarz (2018a), p 6.

109 Such as the Russian-hosted social media platform VK: see Ross (2018).

110 Cunneen and Russell (2017).

111 Awan (2014), p 138.

112 Wilson (2018).