

# Watering down the wine: European Union regulation of violent right-wing extremism content and the securitisation of new online spaces

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## Abstract

The regulation of violent right-wing extremist online content in the European Union is facing a conundrum. On the one hand, pressure to respond to concern over violent right-wing extremism (or VRWE, a term used by the European Union to refer to 'far right') has led to a push to develop a coherent European-wide response. On the one hand, this has led to a watering down or 'loosening' of the concept and implementation, to come to policy agreements between Member States. On the other hand, we have also seen a broadening and expansion of key concepts around VRWE to include more online practices. We argue that this combination of 'loosening' the definition of far right, whilst simultaneously 'broadening' what constitutes far-right content, risks the securitisation of vast online practices - muddying the means for developing coherent and effective responses to VRWE in online spheres. This paper aims to explore the framing and securitisation of violent right-wing extremist content, by tracking the discursive construction of European content moderation policy tools over time.

The paper illuminates this process through policy and discourse analysis on documents derived from the International Organisations in Global Internet Governance (IOGIG) database, European Commission policy documents and guidance documents from a practitioner support project, the Radicalisation Awareness Network (RAN). By assessing the potential unintended problems with framing of violent right-wing extremist content regulation in a liberal democratic context, we address a blind spot in research that largely focuses on extremist groups themselves, or content regulation in autocracies, as well as updating discussions on securitisation-based analysis of contemporary European policies.

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## KEYWORDS

counter-extremism, extremism, far right, online content, regulation

## INTRODUCTION

The control of violent right-wing extremist (VRWE)<sup>1</sup> online content<sup>2</sup> in the European Union (EU) is facing a conundrum. Recent pressure to respond to concern over the rise of violent right-wing extremist groups and to adjust what has been termed the 'Islamist bias' in existing counter-extremism policy has led to a push to develop a coherent European-wide response to VRWE (cf. Weilnböck & Kossack, 2019). The response has been an attempt to reach European consensus on VRWE through the creation of a loose, minimal definition being adopted, to ensure policy agreements between Member States such as the Netherlands and Denmark vis-à-vis Hungary and Poland. This minimal definition avoids the potential inclusion of more 'mainstream' political movements, policies, ideologies or symbolism within Member States with radical-right governments, under a definition of 'extremism'. Despite such a diluted term being designed to identify fewer instances of violent right-wing extremist groups, it has conversely led to an expansion—or 'broadening'—to include more *online* practices, language and content under the umbrella of extremism. As such, in an attempt to placate more right-reactionary elements involved at the level of EU policy-making, the EU has also securitised a larger scope of actions in the online world. It is this loosening and broadening that we will examine here.

We argue that this combination of loosening and broadening of what constitutes violent right-wing extremist content is a feature of policymaking in the EU with regard to security. In risking the inclusion of more content online, it muddies the means for developing coherent and effective responses to violent right-wing extremism in the long term. This paper aims to explore how and why these definitional problems occurred, by tracking the construction of these content moderation policy tools through a long historical view, before their present application against what is termed by the European Commission 'Violent Right-Wing Extremism', and applying a framework of securitisation as a means of investigating the impact of such an approach.

By assessing the issues with framing of violent right-wing extremist content regulation in a liberal democratic context, we address two blind spots in existing research. First, literature on extremism has tended to focus on extremist groups and political parties themselves (Golder, 2016; Jones, 2018; Mudde, 2019), but often to disregard the framing of these groups by mainstream political actors and counter-extremism. Second, the literature on content regulation has mainly focused on autocracies but disregarded the control of content in liberal democracies. For instance, scholarship has shown that autocracies and illiberal governments have censored the internet to prevent social mobilisation (King et al., 2013) often through the co-option of counter-extremism language (McNeil-Willson, 2021). In democracies, however, there is a public demand for restricting internet content (Hintz & Milan, 2018), such as in response to terrorism and violence (Meserve & Pemstein, 2018), and that this specifically includes online violent right-wing extremist content (cf. christchurchcall.com, 2019). Hence, we adopt an approach that zooms in on responses to violent right-wing extremism by governments in liberal democracies, recognising that these governments are increasingly act to control content under specific circumstances.

This paper is not looking to develop or invoke the authors' own conceptual compass in defining 'extremism'. Concepts such as extremism have a normative, relational and context-specific value, dependent on factors such as national history, the media and the type of government in power—one is judged radical or extremist against culturally specific benchmarks, and this label is dependent on who is doing the labelling' (McNeil-Willson

et al., 2019, p. 5). As such, what is and is not extremism is largely dependent on the political context. Furthermore, as the current conceptualisation of extremism and counter-extremism is relatively new, we are largely reliant on politics and policy to determine the trajectory of research. As has been stated, ‘one cannot understand extremism without simultaneously attempting to understand counter-extremism’ (McNeil-Willson, 2023, p. 18). We do not proffer our own discussions on what constitutes violent right-wing extremism, as the scope of this paper is focussed on how the European Union negotiates its own approaches to VRWE. Attempting to construct an academic definition of extremism that exists beyond its political context is beyond the scope of this paper and risks misinterpreting the highly contextually-dependent nature of such a contested term.

To understand how the concept of VRWE has been developed and implemented with regard to content moderation, authors tracked key proposals and documents, adopting a discursive approach to analyse frames and reconstruct a picture of recent EU approaches to content regulation over time. A large part of the data is based on the guidance documents from the EU practitioner support project on the Radicalisation Awareness Network (RAN), as well as the International Organisations in Global Internet Governance (IO-GIG) database. RAN policy documents were chosen because of the role that RAN plays in informing and shaping European policy and policy discussions, established initially as a project by the European Commission for this purpose. The latter, the IO-GIG database is a unique data set containing internet policy output documents across international institutions between 1995 and 2021.

In the analysis, we show that the motivations for addressing VRWE content in the EU have changed by invoking counter-extremist notions of ‘harm’, in which the state is seen as ‘at risk’ from extremist individuals (Heath-Kelly, 2020). As part of this, traditional conceptualisations of hate speech, racism and xenophobia have come to be included in the definition of extremism due to the expansion of the counter-extremism lens. These developments are related to a ‘broadening’ of the securitised lens—and thus what is considered VRWE extremist content—via a process of the securitisation of content. These developments also suggest a slow but steady shift from an EU that protects individuals to *do* something, to an EU that protects individuals *from* something. These are indicative of wider securitised shifts, due to the expansion and normalisation of a counter-extremism paradigm and the adoption of a more sovereigntist stand (Flonk et al., 2023).

## THEORETICAL FRAMEWORK

### Securitisation of Internet content

Theories of securitisation aim to explore how state security and power expand from traditional sites of militarism into civil spheres and spaces, with a particular focus on discursive articulations. It gives language a central role in justifying and enabling the emergence of structures of security, and has been applied particularly effectively to patterns of counterterrorism and counter-extremism. As Floyd states: *A securitising actor, by stating that [a] particular referent object is threatened in its existence, claims a right to extraordinary measures to ensure the referent object's survival*, in doing so, moving the issue *out of the sphere of normal politics into the realm of emergency politics* (Floyd, 2007, p. 329). As a result, wide areas of social life and civil liberties are traded for highly specific articulations of security, in a process which links an increasing variety of language and actions to terrorism.

We consider the concept of securitisation to be particularly relevant here because of how significant areas of society have become linked to security as a result of counter-extremism

practice. We consider the implications for online language and actions due to greater concern over violent right-wing extremist content. Because of the difficulty in determining what is VRWE content, there is a clear and present danger that more mundane content is likely to be labelled 'extremist'. As such, we consider the concept of securitisation to be particularly relevant in this case.

However, there are problems with applying it a European context—perhaps most notably that in a general conceptualisation of securitisation, power flows from the state downwards towards the individual; a conceptualisation that causes problems in an EU because of the lack of a singular state and unified state power. As such, the relationship between discourse and reception, discussion, legitimation and actualisation of policy proposals is unclear (Neal, 2009, p. 336). EU policy making is fragmented, and it is difficult to identify the key speakers in a process, whilst European discourse is often filtered through a variety of different national lenses, providing many interpretations and engagements. This provides a small gap for scholarship in applying theories of securitisation in a European policy context. Securitisation has also been criticised as assuming a clear delineation between security spaces and civil society, although these sites are ill-defined.

Despite the challenges, securitisation theory is particularly relevant in this case because of its focus on language. In examining how online content becomes securitised, we not only focus specifically on language as the means by which security is created, we also see language as potentially being a receptor of, or negatively impacted by, this security—language and content itself becoming a new 'threat' from a growing securitised lens (McNeil-Willson, 2019). The paper also updates existing scholarship on European securitisation processes, by moving beyond language of securitisation being used to target migrant or 'other' communities, towards language from White majorities, linked to VRWE.

## Control of violent right-wing extremist content

The creation of policy comes within a context of increased concern around violent right-wing extremism. VRWE is a heterogeneous movement, which includes neo-Nazi, antimuslim, anti-immigration, Identitarian, ultra-national, neofascist and sovereign citizen movements (Pauwels, 2021, pp. 4–5). These movements have been characterised as having a belief in natural inequality or hierarchy between people; a belief in authoritarianism, which includes a tough stance on law and order via submission and aggression; and antidemocratic tendencies, in professing some sort of desire to corrupt, destroy, subvert or corrode the current liberal-democratic system (Liger, 2022, pp. 11–12).

As new trends of far-right mobilisation have emerged, such as the internationalisation of violent right-wing extremist mobilisation (Koehler, 2022) and the growing importance of online spheres within far-right activism in the operational coordination, recruitment, propaganda dissemination, and financing of right-wing extremism (Conway et al., 2019; Pauwels, 2021, p. 7), so EU Member States have looked to develop policies that control and respond to VRWE content in a joined-up manner. Whilst security firmly remains a Member State issue in the EU, moves have been made by the European Commission to establish a unified framework for identifying and dealing with VRWE content—something particularly difficult with such content often being cryptic and heavily loaded with irony (Bolaños Somoano, 2021; Fielitz & Ahmed, 2021).

Such approach has largely prioritised content control, understood here as 'the process by which actors with a given identity use different techniques, policies, and justifications to influence or limit access to internet content for a given purpose' (Flonk, 2021, p. 2)—a tool often associated with authoritarian control (Breindl et al., 2015, p. 29; Kalathil & Boas, 2003, pp. 33–34; Rodan, 1998; Wacker, 2003). However, content control is increasingly occurring

in democracies (Deibert et al., 2010; Deibert & Rohozinski, 2010; Yangyue, 2014), justified under matters of security (Meserve & Pemstein, 2018). Content control is not a dichotomous concept (Bambauer, 2009, p. 6) but a continuum on which the extent of appropriate control varies, and this continuum is not justified under the same logic of authoritarianism. The regulation of VRWE content is often seen as 'justified' within liberal democracies—albeit with concerns about impacts on civil and human rights.

## Explaining the rise of VRWE content control: Loosening and broadening

We argue that the regulation of far-right extremist content by the EU can be explained by both a loosening and broadening of the term VRWE. On the one hand, in developing the term, the EU has watered down the concept to come to policy agreements between 27 Member States. In doing so, the definition avoids the strict inclusion of statecraft and 'mainstreamed' political movements that utilise far-right language. However, this leads to a broadening in such a way that it becomes more flexible to include a wider variety of online practices.

By loosening the concept of far-right extremist content online, it is easier to come to agreements within the EU. There are several dimensions to the problem of online VRWE content. One aspect is simply the increased usage of the internet and social media, leading to more hate speech online over the years. Another aspect is the speed by which hate speech is shared, which is enabled by a sense of anonymity and impunity that users have (European Commission, 2021a, p. 3). Another is the continuously growing sophistication of the tools used to create and spread such content, such as private messaging apps, AI, and online news portals (European Parliament, 2019a, p. 5). Meanwhile, there has been growing concern that a more confident far right is significantly increasing community polarisation and normalising antiminority language within mainstream media and political debate (McNeil-Willson et al., 2019).

Due to these developments, the EU has expressed an ambition to exert greater control over the spread of such content within the digital sphere. Whereas the emphasis in the past was on the protection of an open internet, we now increasingly see references to the responsibility of Member States in regulating content, and social media platforms in providing the resources to ensure this is adequately implemented. By diluting the concept of VRWE, it has become easier to come to agreement between Member States, and to put forward a seemingly united front against VRWE. This represents a slow but steady rise of digital sovereignty within the EU (Flonk et al., 2023, p. 30).

This watering down of the concept of right-wing extremist content leads to policies that can be applied to a broader range of online practices. As such, ambiguity becomes an important part of broadening the scope of content regulation. Ambiguity—*indeterminacy between alternative interpretations of a phenomenon* (Lipson, 2010, p. 249)—allows actors to conflict over goals, have different interpretations of past events, and participate in organisational processes inconsistently (March & Olsen, 1976, p. 12). Hence, in such an area where perspectives on VRWE content differ, ambiguity enables policymakers to come to agreements across political—and in this case, national—divides.

Content control is not only about regulating content, but also about a justification of those practices (Flonk, 2021, p. 14). Policy-makers try to fit norms and regulations within existing frameworks (Finnemore & Hollis, 2016, p. 451). To do so, EU member states and policymakers have to rely on policy frames. By framing old issues in new ways, policymakers can bring issues to the public agenda (Keck & Sikkink, 2014, p. 17), increase their credibility and urgency (Florini, 1996), and ensure they resonate with existing

understanding of issues (Finnemore & Sikkink, 1998, p. 897); for instance, through a securitised lens (Wæver, 2004, p. 13). By socially and politically constructing threats and situating them within the existential context of counterterrorism, policymakers are encouraged to come to decisions and develop outputs quicker, and with less democratic oversight (Balzacq et al., 2016, p. 495; Taureck, 2006, pp. 54–55). By assessing EU policy output and frames with regard to VRWE content, we can reconstruct a picture of content moderation tools over time.

## RESEARCH DESIGN

To understand how EU policy has come to utilise such frame extension in the context of violent right-wing extremism, the authors analysed relevant EU content regulation over time. A large part of the data is based on the IO-GIG database, a unique data set containing internet policy output documents across international institutions between 1995 and 2021.<sup>3</sup> The IO-GIG was chosen because of its significant number and details of files on policy decisions, making it an ideal resource for tracking changes over time. Since the database includes the full population of EU policy documents in the internet governance domain during this period, it allows us to reconstruct a representative picture of debates on VRWE content control. Other methods, such as collecting data samples from European Government Union, Council and Commission websites, was deemed problematic due to the fragmented nature of European bodies and records, and therefore concern over potentially failing to include all relevant data; as well as concern that it would be too difficult to scrape data linked to online policy and practice. The IO-GIG, meanwhile, provided policy documents from across European bodies with a specific focus on internet policy. As such, it provided a strong means for conducting the analysis, not evident in other online policy databases. Data was also gathered from the RAN. Of the 39 potentially relevant documents that were scraped from the RAN website, 15 were deemed relevant and retained for coding.

The IO-GIG database, includes all documents in the internet governance domain that contained action advice (i.e., documents that stated that something should be done in a specific way in the future). It includes EU documents that contain policy output on internet governance issues by major institutional bodies, such as the Council of the EU, the European Commission, the European Council, and the European Parliament. Because internet governance is characterised by a high degree of soft governance, the database does not only entail formal documents, but also less formal output, such as EU resolutions, recommendations, and strategies. Documents were collected via the EUR-lex database, using ‘*cyber*’, ‘*digital*’, ‘*ICT*’ and ‘*internet*’ as key search terms.

After the collection of the documents was carried out, EU output was hand-coded along several dimensions, such as the institution responsible for the policy output and subissue areas (e.g., cybercrime, AI, digital divide), using MAXQDA (Plus 2020, release 20.4.0). Based on this dictionary, the corpus was automatically coded, leading to a data set of 802 documents, ranging from 1995 until 2021, within which 20,343 segments were coded as action advise in the internet governance domain.

We then further narrowed down our data. We did an additional analysis on the IO-GIG database. We selected those subissue areas relevant to our analysis (i.e., ‘*disinformation*’, ‘*misinformation*’, ‘*hate speech*’, ‘*racism and xenophobia*’). Additionally, we searched for terms related to violent right-wing extremism, namely ‘*right-wing*’, ‘*extremism*’, ‘*violent*’, ‘*racism*’, ‘*xenophobia*’, ‘*neo-nazi*’, and ‘*neo-fascist*’. Besides these documents, we also analysed 15 guidance documents from the practitioner support project, RAN, using the same methods to identify relevant documentation.

In the selected documents, we tracked key policy proposals and documents (e.g., the Council Framework Decision on combating certain forms and expressions of racism and xenophobia, the EU Code of Conduct on countering illegal hate speech online, the initiative on extending the list of EU crimes to hate speech and hate crime). Furthermore, we adopted a discursive approach to analyse which frames and linkages (e.g., racism, COVID-19 pandemic, terrorism) were used to legitimise the development of VRWE content control. Hence, we analysed the critical junctures and motivations of policy output over time, not only looking at the policy output in these issue areas but also how EU actors communicated about this policy. We assessed how the EU legitimises a shift in VRWE policies and which policy frames were invoked, analysing the development of extremist content policy debates over recent years to consider the impact on the securitising lens of counter-extremism.

## ANALYSIS

The analysis consists of three parts. First, we set out the motivations for addressing VRWE content in the EU. We argue that, besides protecting individuals from harm, the EU has come to emphasise the harmful impact of far-right content on *common values and society* at large. Second, we set out the legal framework against VRWE content in more detail and show how *conceptualisations have come to be loosened* or diluted over time. Third, we show how a broader scope is related to a securitisation of content, by *framing harmful and illegal content in terms of terrorist content or harmful to societal health*.

### Motivations for addressing VRWE content

The current motivations of the EU to regulate VRWE content is not only about protecting individuals from harm, but also about broader common and societal values. According to the European Court of Human Rights, *acts that constitute serious offences are directed against a person's physical or mental integrity, only efficient criminal law mechanisms can ensure adequate protection and serve as a deterrent factor* (Beizaras & Levickas v Lithuania, 2020, p. 111). According to the European Commission, what is illegal offline should also be illegal online (European Commission, 2001, p. 12). However, the motivation to regulate VRWE content in the EU is not only to protect individuals from harm, as there are two other important (and interrelated) motivations: the perceived threat against common values, and the harm this poses to society at large. Both flag the emergence of the concept of digital sovereignty and a shift of the discourse away from the idea that individuals should not only have a freedom to do something, but should also be free from something (Flonk et al., 2023).

First, the EU refers to the harmful impact of VRWE content on common values. According to the European Commission, tolerance and equal dignity of all human beings are at the foundation of a democratic, pluralistic society (European Commission, 2021a, p. 9). Therefore, it may be necessary in democracies to “sanction or even prevent all forms of expression which spread, incite, promote or justify hatred based on intolerance” (Erbakan v Turkey, 2006, para. 56). This rationale is based on the threat that such content has on the safety of the individual within society.

Second, the EU argues that practices such as hate speech are harmful to society as a whole, because they have a harmful impact on fundamental rights such as human dignity, equality, and freedom of expression. As such, it is not just the individual that can be a victim of VRWE, but society itself can be a victim – a framing that can also include the wider European project (McNeil-Willson, 2023). This framing of society as a victim of extremist

individuals is one that has been noted as subverting traditional norms of risk, and has been flagged as a paradigmatic framing of counter-extremism (Heath-Kelly, 2020). According to the European Parliament, “remembering victims of totalitarian and authoritarian regimes and recognising and raising awareness of the shared European legacy of crimes committed by Stalinist, Nazi and other dictatorships is of vital important for the unity of Europe and its people (...)” (European Parliament, 2019b, p. 3). Specifically with regard to social media, the Commission warns against chilling effects that would refrain users from engaging in public debates because of hateful content (European Commission, 2021a, pp. 10–11). This ‘society at large’ even reaches beyond the EU, and the Commission invokes international norms and policies to legitimise regional policy output. For instance, the Commission states that hate speech and hate crime are a threat to democratic values, social stability and peace based on the United Nations Strategy and Plan of Action on Hate Speech of May 2019 (European Commission, 2021a, p. 10). Attempts by the EU to develop a coherent strategy towards VRWE—including a unified European definition—have also included justifications based on challenging non-European countries such as Russia, Brazil and India on their current or recent legitimisation and support of international VRWE movements.

Ultimately, the EU has increasingly incorporated language against VRWE, and extremism more broadly, that is buttressed by a more limited conceptualisation of how to participate in society which rests on security—that *respect for the European way of life, its democratic values and all it represents is not optional* (European Commission, 2020f, p. 2), and that *[o]ur European way of life—emblematic of inclusive and tolerant societies—is not optional and we must do all in our power to prevent those that seek to undermine it* (p. 6). Thus, motivations by the EU for addressing VRWE content involves the targeting of language and content that is *incompatible with European values or pursue[s] an illegal agenda* (European Commission, 2020f, p. 7—emphasis added by authors).

## Loosening the framework against far-right content in the EU

Second, even though there is agreement in the EU that VRWE content should be regulated, it is difficult to find an existing common EU standard. There are various different approaches to VRWE imagery, many of which are linked to long-historical processes within individual national settings. After the end of the Second World War, for instance, fascist parties and movements were regulated in states where fascism had been particularly strong, implemented as part of denazification programmes in Germany, Austria and Italy. After the Cold War and the fall of the Iron Curtain, newly independent countries in the Eastern Bloc also looked to remove some of the trappings of the USSR, prohibiting symbols of totalitarian ideologies such as both fascism and communism, as part of processes of liberalisation. In contemporary states, national approaches to moderation of symbols have included the banning of certain symbols linked to far-right groups in Germany and the UK, as well as the banning of symbols of legal but extreme groups in countries such as Austria. Other MS approaches to violent right-wing extremist images include legislation that targets symbols or logos when used in conjunction with (other) acts of hate and intimidation, in countries such as Ireland—as well as no proscription practices in countries such as Denmark. The criminalisation of hate speech also varies between countries across categories, for instance on grounds of sexual orientation,<sup>4</sup> sex or gender,<sup>5</sup> disability,<sup>6</sup> or age.<sup>7</sup> As such, there is significant variation in Member State approaches to VRWE groups and symbols prior the creation of a definition.

Even though national policies diverge significantly, the EU we identify a number of phases in EU VRWE content regulation.



Earlier EU initiatives in the 1990s focused on a far narrower conceptualisation of hate speech, with discussions around extremist yet to be relevant. For instance, EU institutions looked to respond to serious and significant manifestations of racism and xenophobia (European Council, 2008; European Parliament, 1997). It looked to bring together Member States to make these instances punishable by criminal sanctions across the EU. This includes the dissemination of racial hatred by “computer or telematic means” (European Parliament, 1997). Already in 1997, the European Parliament recognised that *the specific characteristic of computer networks is that they are unmoderated media that know no frontiers*, making control difficult.

The European Parliament argued that although content control is a matter for Member States in principle, the EU could not stand aside from these problems since they are intertwined with civil liberties (European Parliament, 1997, pp. 43–45). At the same time, policy measures focused mostly on the promotion of industry self-regulation and content monitoring systems, the encouragement of industry to provide filtering tools and rating mechanisms, and increasing awareness among users (European Commission, 1998, p. 10).

From the early 2010s, as the concepts of ‘extremism’ and ‘counter-extremism’ started to be forged in public policy (cf. McNeil-Willson, 2023), EU institutions started to conceptualise the reasons for regulating VRWE content more broadly. Whereas the EU used to focus on the regulation of racist and xenophobic content, by 2015, the European Parliament was *concerned at the growing presence of hate speech on the internet*. It therefore conceptualised hate speech and hate crime much more broadly, by including religious intolerance, bias against a person's disability, sexual orientation or gender identity (European Parliament, 2015, p. 30), and age (European Parliament, 2016b, p. 10). In 2016, the European Commission encouraged the signing of the EU Code of Conduct on countering illegal hate speech online to *respond to the proliferation of racist and xenophobic hate speech on the internet* (European Commission, 2020c, p. 8). In 2021, the Commission argued that hate is moving into the mainstream, targeting people with common characteristics, such as “race, ethnicity, language, religion, nationality, age, sex, sexual orientation, gender identity, gender expression, sex characteristics or any other fundamental characteristic, or a combination of such characteristics.” (European Commission, 2021a, p. 2)

By the time that attempts were being made to define VRWE in 2020, concepts such as hate speech, discrimination and racism had become firmly included under the widening lens of counter-extremism. The nonlegally binding working definition of VRWE which has been agreed upon by MSs, demonstrates this. It is divided into three sections. The first section defines VRWE as *acts of individuals or groups who use, incite, threaten with, legitimise or support violence and hatred to further their political or ideological goals* (European Commission, 2021d, 1). This leans on existing European definitions of extremism, which include hate speech, incitement to violent (e.g. terrorist violence) and more generally, messages that go against EU values and created division in our societies (McNeil-Willson, 2023). The EU definition of VRWE then discusses motivation, determining it to be motivated by *ideologies based on the rejection of democratic order and values as well as fundamental rights...* (European Commission, 2021d, 1). The final section of the definition finds that a requisite for VRWE is that it is ... *centred on exclusionary nationalism, racism, xenophobia and/or related intolerance*. (European Commission, 2021d, p. 1). Concepts of hate, division, racism, and xenophobia have become key markers of extremism, dovetailed with the widening of the counterterrorism lens to include more of the so-called ‘grey zone’ of extremism (Schmid, 2021).

As well as pulling in existing concepts of hate speech and racism, the concept of VRWE is also seen as coming from a variety of different actors. The European Parliament does not only refer to biases driven by the internet in the population, but also to *hate speech among*

political forces (European Parliament, 2016b, p. 10). Hence, there is an increased acknowledgement that VRWE content does not only originate from extremist organisations, groups or individuals, but also from institutions, political parties, and media (European Parliament, 2016b, p. 20, 2019b, p. 3)—with VRWE groups understood as *often spreading their narratives through mainstream media and online platforms rather than being limited to closed online spaces* (Wallner et al., 2022). According to the European Parliament, these political actors are *increasingly resorting to distortion of historical facts, and employ symbolism and rhetoric that echoes aspects of totalitarian propaganda (...)* (European Parliament, 2019b, p. 6). These are not only domestic political actors, but also by foreign actors. The European Parliament, for instance, *strongly condemns the increasingly aggressive actions of Russia, China, Iran, North Korea and others (...), which seek to undermine or suspend the normative foundations and principles of European democracies (...), as well as influence elections and support extremist movements* (European Parliament, 2019a, p. 5).<sup>8</sup>

Hence, the EU is gradually moving towards a more comprehensive and overarching approach to controlling extremist content, using the new definition of VRWE. This is not only visible in the issue areas that are included in these policies, but also in a proliferation of policy output. For instance, in 2020, the scope of content control applied to racist content (European Commission, 2020a), antisemitic content (European Commission, 2021b), content targeting on LGBTQI+ people (European Commission, 2020e), gender equality (European Commission, 2020b) and rights of persons with disabilities (European Commission, 2021c). In 2021, the EU launched an initiative on extending the list of EU crimes to hate speech and hate crime, criminalising it in all member states on grounds of race, colour, religion, descent, national or ethnic origin (European Commission, 2021a, p. 14). 2020 and 2021 also saw the launch and running of Project Based Collaborations between Member States, to develop a European-wide definition of VRWE and a coherent approach towards VRWE content online between both Member States and major social media platforms—with further recommendations towards European policy.

The loosening of the framework in responding to concerns over VRWE content ultimately serves the purpose of enabling Member States to come to agreement about what can (and cannot) be defined as far right. Agreement thus requires consent of Member State governments who may view the implementation of an undiluted definition of VRWE as a threat to the integrity of their own party or parties. As such, the EU has been required to tailor definitions and content control towards VRWE around potential spoiler states, such as Hungary, Poland or Italy, with current or recent governing parties that may themselves risk falling under a larger definition of VRWE. Along with this diluting and loosening of the framework to account for political calculations within the EU, so as to reach agreement on what VRWE is, there has simultaneously been a broadening of the frames for regulating VRWE content, whereby a creep of the language of counter-terrorism has simultaneously securitised a much wider set of ideas, ideologies and language as both extremist and as directly linked to violence.

## Broadening frames for regulating VRWE content

Third, we argue that this changing scope of far-right content control is related to the framing of political debates, most notably to the widescale securitisation of content. Whilst approaches to tackling VRWE content have a relatively long history, the content frames and linkages have continued to shift over time, significantly changing policy and language both in their scope and their focus—partly as a result of slippage around the problematic language of violent extremism (McNeil-Willson, 2023; Sedgwick, 2010). For instance, several scholars have suggested that

current trends within the language of violent extremism and counter-extremism policy (Onursal & Kirkpatrick, 2021) represent a crisis of counterterrorism (Jackson, 2015), by which an expanding ‘securitising lens’ highlights the failure of policy to adequately prevent or account for irregular violence (McNeil-Willson, 2019). This has led to an increasingly unwieldy set of language and concepts within the counterterror paradigm, to include events far beyond what was traditionally termed as terrorism—such as misinformation linked to the COVID-19 pandemic, polarisation, so-called antigovernmental or antisystem extremism, along with several kinds of activism.

With regard to frames related to terrorism, the European Commission emphasises that terrorist content *originates and spreads from all over the world*. (European Commission, 2020c, p. 8) Therefore, the Commission engages with international partners such as the Global Internet Forum to Counter Terrorism, (other) social media organisations, and several partner governments, based on the Christchurch Call for Action. The goal is to have global operational responses and minimum global standards on countering illegal and harmful content online (European Commission, 2020c, p. 8).

Even though the European Commission acknowledged the downward trend in terrorist attacks in 2019, it has flagged the growing threat of violent right wing extremism. In doing so, it referenced attacks inspired by racism or utilising overtly racist language, such as the Antisemitic attacks in Halle. It also increased urgency by arguing that *(o)ne in five people in the EU are very worried about a terrorist attack in the next 12 months*. The Commission acknowledged that most recent terrorist attacks were low tech initiated by lone actors, but it also highlighted that *terrorist propaganda online took on a new significance with the live streaming of the Christchurch attacks* in 2019 (European Commission, 2020d, p. 5). According to the Commission, the threat of terrorism remains a clear and present danger, regardless of which extremist ideology fuels it – although it is notable that EU Member States and other European countries have, almost ubiquitously, continued to prioritise so-called ‘jihadist’ or ‘Islamist’ violence in national reports as supposedly representing the most dangerous threat to European countries. Much of the Christchurch Call is focussed on the difficulties the EU has faced in trying to remove live-streamed content and its reappearance, and has framed the removal of such content online as *a matter of urgency*. (European Commission, 2019, p. 2).

Besides terrorist threats, the COVID-19 pandemic has added a layer of urgency to the regulation of VRWE extremist content. According to the Commission, the pandemic increased feelings of insecurity, isolation and fear, which *created an atmosphere in which hate speech has flourished, becoming ‘a tsunami of hate and xenophobia’* (European Commission, 2021a, p. 17). It acknowledged that specific groups were increasingly exposed to hate speech and violence, particularly because they were being blamed for being spreaders of the virus. These groups included Roma, migrants, older people, people identifying as LGBTQI+, and people of Asian origin (European Commission, 2021a, p. 18). The broadening of what is considered far-right language by the EU to incorporate a whole host of hate speech, racism and xenophobia, conspiracy theories and misinformation is linked to an unsteady and constantly growing set of discourses within counterterrorism. Whilst the EU has increasingly looked to develop more strict norms and definitions related to right-wing extremist content, it has done so in a way that has vastly broadened the possibilities of what can be identified as ‘extremism’.

## CONCLUSION

We showed that the motivations for addressing VRWE content in the EU are increasingly focused on broader goals such as protecting common values and society at large. Whilst the concept of VRWE has been kept limited, concepts such as racism and xenophobia have

been added to the legal framework of countering VRWE in the EU. These developments are related to a broadening of the term VRWE content via a process of framing and securitisation of content. Especially the role of terrorist attacks, as well as the inclusion of themes such as the COVID-19 pandemic and misinformation within the terrorism paradigm, provide frames for policy-makers to legitimise increased content control.

The EU is challenged by a conundrum. On the one hand, any form of discrimination is prohibited and increasingly strict conceptualisations of European values have become 'not optional', ideological adherence seen as a primary means of countering extremism. At the same time, "freedom of expression is one of the pillars of a democratic and pluralist society and must be strongly protected" (European Commission, 2021a, p. 2). Over time, the EU has moved more towards a position that argues it must use measures to ensure security to combat crime, racism and xenophobia (European Commission, 2021a, p. 2). In other words, the EU is moving from an idea of a liberal internet that emphasised the *freedom to do* something, towards a more sovereign internet that emphasises the *freedom from* something (Flonk et al., 2023, p. 7). The Commission argues that far-right content affects individual victims, communities, and society at large, because "(h)ate undermines the very foundations of our society. It weakens mutual understanding and respect for diversity on which pluralistic and democratic societies are built" (European Commission, 2021a, p. 2).

The theoretical contributions of these findings are twofold. First, the literature on extremist groups mainly focuses on extremist groups themselves, rather than constructions of counter-extremism or interaction between extremist groups and policies (Golder, 2016; Jones, 2018; Mudde, 2019). Our research shows that the framing of VRWE movements by other political actors represent an important part of policymaking. For instance, by framing content as harmful or terrorist content, policymakers legitimise the control of internet content. Second, the literature on content regulation has mainly focused on autocracies (King et al., 2013). We show that content control also (indeed, increasingly) occurs within liberal democracies under specific circumstances. And whereas control of child abuse material or intellectual property rights content might be accepted, the control of far-right speech is more contested in liberal democracies due to the inherently political nature of extremism and counter-extremism, as well as the general lack of firm legal definitions around extremism (McNeil-Willson, 2023).

We therefore argue that the combination of loosening and broadening the conceptualisation of far-right extremist content is a potentially concerning feature in EU policy making. In internet governance, debates are increasingly defined by a security narrative (Flonk, 2021, pp. 85–86; Hintz & Milan, 2018, p. 3949). When there are security threats, they can legitimise increases in internet control and regulation (Ververis et al., 2020, p. 7). Moreover, there is a risk of a race to the bottom, because once control of content occurs, political actors of all stripes can be tempted to expand these policies (Stoycheff et al., 2018, p. 3; Warf, 2011). Therefore, some scholars even argue that democracies are increasingly converging with authoritarian regimes in normalising content regulation (Busch et al., 2018; Wright & Breindl, 2013). We want to emphasise that the EU does take into account human rights and freedom of speech in controlling content, which is a fundamental difference from autocracies. However, we also flag that by securitising a myriad of online practices, the means for developing coherent and effective responses to the far-right are increasingly muddled.

Whatever the outcome will be, it is clear that the EU is taking a more active and sovereign stance in regulating VRWE content (Flonk et al., 2023). In simultaneously loosening and broadening approaches when responding to VRWE content, the EU's current approach represents a watering down of policy ideals to assuage reactionary-right European governments. And yet, as it makes the definition both less potent, it also makes it more likely to have long-term impacts on fundamental freedoms—both online and offline. An impact

assessment is not within the scope of this paper, since our research focused on the policy developments in the field of VRWE and how these practices are increasingly securitised. As a next step, future research should focus on the impact of these developments; what are the empirical consequences for fundamental freedoms over time?

Ultimately, the authors suggest that a stronger and clearer European definition of VRWE—though potentially taking far more political capital to achieve—will have clearer implications for practice, helping to guide not just those implementing the policy on a national and community level, but also social media platforms, other private bodies and international bodies and non-EU States. Clearer delineations will ensure that a more limited number of acts fall under the counter-extremism lens. Another alternative, which would require the spending of even more political capital, is the removal of VRWE content moderation from the purview of counter-extremism, returning it to the much more stable umbrella of human and civil rights laws. Whilst this rolls back concerns over securitisation, it may not be politically possible in the context of expanding counter-extremism. However, it is clear that current approaches to VRWE that comes from White majority communities in Europe which attempt to appease all Member States risk not just being impoverished in their dilution, but having implications for European rights and freedoms.

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## ENDNOTES

- <sup>1</sup> The term Violent Right-Wing Extremism (VRWE) is a term preferred by the European Union and Commission to refer to far-right extremism. We therefore use this term throughout.
- <sup>2</sup> We define content control as “the process by which actors with a given identity use different techniques, policies, and justifications to influence or limit access to internet content for a given purpose.” (Flonk, 2021, p. 2)
- <sup>3</sup> The IO-GIG database was constructed by Daniëlle Flonk (Hitotsubashi University), Markus Jachtenfuchs (Hertie School) and Anke Obendiek (University of Vienna) in the DFG-funded Internet Interfaces research project (FOR 2409, JA 772/8-1). The database is available upon request.
- <sup>4</sup> Criminalised in BE, DK, EE, IE, EL, ES, FR, HR, CY, LT, LU, HU, MT, NL, AT, PT, SI, SK, FI, SE (Pauwels, 2021).
- <sup>5</sup> Criminalised in BE, EE, ES, FR, HR, CY, LV, LT, LU, MT, NL, AT, PT, SI, EL, ES, FR, HR, CY, LU, HU, MT, PT, SE (Pauwels, 2021).
- <sup>6</sup> Criminalised in BE, EL, ES, FR, HR, LV, LT, LU, HU, NL, AT, PT, SI, FI (Pauwels, 2021).
- <sup>7</sup> Criminalised in BE, ES, LV, LT, LU, AT (Pauwels, 2021).
- <sup>8</sup> See also European Parliament (2016a, p. 3).

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