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### **Contextualizing the Triggering Event: Colonial White Supremacy, Anti-Blackness, and Black Lives Matter in Italy and the United States**

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# **Contextualizing the Triggering Event: Colonial White Supremacy, Anti-Blackness, and Black Lives Matter in Italy and the United States**

**Renee Nicole Allen\***

## **ABSTRACT**

In the summer of 2020, spurred by George Floyd’s murder and amid a worldwide pandemic, Black Lives Matter demonstrations peaked in the United States. The viral nature of the police violence that caused Floyd’s death was a triggering event for transnational Black Lives Matter protests. Around the world, millions took to the streets to demand justice. In Italy, a resounding demand that “Black Lives Matter” filled the streets during solidarity protests that occurred in Milan, Naples, and Rome. Less than six months later, in September 2020, the fatal civilian beating of Willy Monteiro Duarte, a Black Italian, revealed the necessity of contextualizing localized anti-Black violence. Black Italians criticized a cognitive dissonance among White Italians who made “Black Lives Matter” their rally cry while also sanitizing anti-Black racism, ignoring anti-Black violence, and failing to acknowledge entrenched White supremacy in Italy. This criticism highlights the importance of contextualizing a triggering event when “Black Lives Matter” resonates outside the United States.

To contextualize the triggering event, this article employs a critical comparative framework to analyze anti-Black origin and entrenchment. First, this article examines Black and White

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\* Renee Nicole Allen is a faculty member and the founding Director of the Center for Race and Law at St. John’s University School of Law. For extensive feedback and comments, she thanks Professors Margaret (Peggy) McGuinness, Marissa Jackson Sow, and Katherine MacFarlane. For research and citation support, she thanks Ashlyn Stone. For continued accountability and support, she thanks Professors Alicia Jackson, DeShun N. Harris, Kayonia Whetstone, and Desiree LeClercq. Finally, for invitations, hospitality, and comments, she thanks the law faculties and students at Washington & Lee University, University of Florida, Temple University, and the Berger Legal Studies Program at Cornell Law School.

racialization. Next, a comparison of colonialism in the United States and Italy illuminates how colonial laws and practices established Whiteness as civil, moral, and powerful. Here, post-colonial collective amnesia reveals similarities in the ways anti-Black violence is sanitized and anti-Black racism is denied. Next, it demonstrates how blood narratives perpetuate anti-Blackness by legally limiting the rights of Black people. Finally, it contextualizes the triggering event. Borrowing from tenets of Afro-pessimism, it concludes by highlighting the importance of context in geographically disparate “Black Lives Matter” activism.

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## PROLOGUE

This project was inspired by the fortunate opportunity to spend two weeks in Rome, Italy, teaching Comparative Social Justice to law students from my home institution who were enrolled in our study abroad program.<sup>1</sup> Comparative Social Justice, a course of pure imagination that I am still inventing as I teach and write this article, aptly combines my interest in the influence of social justice activity on the law. I came to Rome knowing that I would write this article, but I was open to it taking shape based on my experiences.

In addition to fully immersing myself in typical cultural experiences and visiting historical landmarks—the Sistine Chapel, Trevi Fountain, and Colosseum—my goal in my course and overall experience was to learn about the experience of Black<sup>2</sup> people in Italy. In both activities, I was acutely aware of my presence as an outsider in Rome and in the field of comparative study. As a tourist and academic comparator, I intended to “make a conscious effort to achieve distance from the assumptions and confidences that defend one from the uncertainties brought on by the un-usual.”<sup>3</sup> To this end, I attempted to change my “cognitive status quo”<sup>4</sup> by maintaining

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1. I am currently writing from Rome, seated at an outdoor café on a Friday afternoon (while also enjoying a Hugo Spritz).

2. In this article, “Black” refers to people of African descent who have phenotypes associated with blackness (skin color, hair, facial characteristics, etc.). I use “Black” to refer to descendants of enslaved people and people of the African diaspora living in the United States. I use “Black” to refer to biracial Italians, African immigrants and their children (born and/or raised in Italy). I recognize that this is a broad classification that does not account for cultural and geographical differences. I acknowledge that Blackness is not monolithic and that there are limitations to this broad characterization. See Camilla Hawthorne, *In Search of Black Italia: Notes on Race, Belonging, and Activism in the Black Mediterranean*, 123 *TRANSITION* 152, 158 (2017) [hereinafter Hawthorne, *In Search of Black Italia*]; see also CAMILLA HAWTHORNE, *CONTESTING RACE AND CITIZENSHIP: YOUTH POLITICS IN THE BLACK MEDITERRANEAN*, at xvii (2022) [hereinafter HAWTHORNE, *CONTESTING RACE AND CITIZENSHIP*] (“Unlike in the United States, where there is at least some general consensus around use of terms such as ‘African American’ and ‘Black,’ in Italy the language of self-identification is vast, varied, and highly contested . . .”).

3. Gunter Frankenberg, *Critical Comparisons: Re-thinking Comparative Law*, 26 *HARV. INT. L. J.* 411, 412 (1985).

4. See *id.* at 413. (“Basic prerequisites for a cognitive transformation are that one (1) become aware of her assumptions, (2) no longer project characteristics of her own way onto the objects of her scholarly attention, and (3) decenter the person point of view so that through the vantage the new allows

an awareness of my assumptions and biases in a way that limited projecting my views on Italian law and social justice movements. Yet, my comparison is inevitably affected by the fact that I am a Black woman, an experience I cannot separate myself from in my academic writing.

While I sought to decenter my Americanness, I was particularly in tune with what it means to be Black in both countries. With the exception of my classroom, while in Rome, I was often the only Black person around. I was in Rome, as I am in the United States, acutely aware of my Blackness and the outsider experience of being Black in White<sup>5</sup> spaces. Further, considering my personal and academic interest in the Black experience, I sought to decenter Americanness while also centering Blackness.<sup>6</sup> This proved a difficult task. Yet here, I take a critical functionalist<sup>7</sup> approach.

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her she can consider not only the new, but the truthfulness of her own assumptions.”).

5. A departure from prior publications, in this article I capitalize White as an intentional recognition of White as a racialized identity that confers racialized benefits as opposed to one that is neutral or unraced. *See* Matiangai Sirleaf, *Do You Have to Say That You Are Black?*, TWAILR #43 (June 15, 2022), <https://twailr.com/do-you-have-to-say-that-you-are-black/> (“I elaborate that when I capitalize the ‘w’ in White, I am not erasing the complex histories and hierarchies of how different groups came to be assimilated and understood as White. Instead, I capitalize the ‘w’ in White to render whiteness discernible and to avoid unparallel terms.”); *see also* HAWTHORNE, *CONTESTING RACE AND CITIZENSHIP*, *supra* note 2, at xviii (“Italians do not typically perceive themselves as ‘white,’ but rather as simply ‘normal.’”).

6. *See* Frankenberg, *supra* note 3, at 413 (“Basic prerequisites for a cognitive transformation are that one . . . decenter the personal point of view so that through the vantage the new allows she can consider not only the new, but the truthfulness of her own assumptions.”).

7. Comparative functionalism looks at a societal problem, here anti-Black racism, and compares the legal approaches to the problem and the results. *See generally* Mark Van Hoecke, *Methodology of Comparative Legal Research*, 12 L. AND METHOD 1, 9 (2015) (“The idea behind functionalism is to look at the way practical problems of solving conflicts of interest are dealt with in different societies according to different legal systems. This allows us to perceive those problems (largely) independent from the doctrinal framework of each of the compared legal systems.”).

## INTRODUCTION

*“The revolution will not be televised . . . The revolution will be no re-run, brothers. The revolution will be live.”*

-Gil Scott-Heron<sup>8</sup>

While the length and nature of the police violence captured by cell phone video were contributing factors,<sup>9</sup> COVID-19 lockdowns created an environment that would force people in the United States and around the world to pay attention to the viral video of George Floyd’s murder. The first cases of COVID-19 were reported in Italy and the United States in the first months of 2020.<sup>10</sup> On January 31, 2020, Italy declared a state of emergency.<sup>11</sup> As cases increased and the country became a virus epicenter, the Italian government declared Decree-Law No. 6, effectively locking down the country.<sup>12</sup> On March 11, 2020, the World Health Organization declared COVID-19 a pandemic.<sup>13</sup> Days later, on March 13, the United States declared a national state of emergency, starting a national shutdown of all non-essential entities.<sup>14</sup>

On Memorial Day 2020, two months into the nationwide lockdown, former Minneapolis police officer Derek Chauvin pressed his knee on a handcuffed George Floyd’s neck for nine minutes and twenty-nine seconds.<sup>15</sup> Darnella Frazier, a Black

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8. GIL SCOTT-HERON, *THE REVOLUTION WILL NOT BE TELEVISED* (RCA Studios 1971).

9. Reha Kansara, *Black Lives Matter: Can viral videos stop police brutality*, BBC (July 6, 2020), <https://www.bbc.com/news/blogs-trending-53239123> (noting the graphic and viral videos of the police violence which lead to the deaths of Philando Castile and Alton Sterling in 2016, and Eric Garner and Laquan McDonald in 2014).

10. *CDC Museum Covid-19 Timeline*, CTRS. FOR DISEASE CONTROL AND PREVENTION, (Aug. 16, 2022), <https://www.cdc.gov/museum/timeline/covid19.html>.

11. Diletta Tega & Michele Massa, *Fighting COVID 19—Legal Powers and Risks: Italy*, VERFASSUNGSBLOG ON MATTERS CONST. (Mar. 23, 2020), <https://verfassungsblog.de/fighting-covid-19-legal-powers-and-risks-italy/>.

12. *CDC Museum Covid-19 Timeline*, *supra* note 10.

13. *Id.*

14. *Id.*

15. See Amy Forliti, Steve Karnowski, & Tammy Webber, *Police Chief: Kneeling on Floyd’s Neck Violated Policy*, ASSOCIATED PRESS (Apr. 5, 2021), <https://apnews.com/article/derek-chauvin-trial-live-updates-c3e3fe08773cd2f012654e782e326f6e>.

teenager who was taking her young cousin to the neighborhood convenience store, filmed the incident with her cell phone and posted it on Facebook.<sup>16</sup> Her video, which contradicted the initial statement posted by the Minneapolis police department, captured international attention and ultimately led to Chauvin's conviction for unintentional second-degree murder, third-degree murder, and second-degree manslaughter.<sup>17</sup>

After Floyd's murder, between 15 and 26 million people attended demonstrations in support of Black lives, making it the largest movement in United States history.<sup>18</sup> COVID-19 lockdowns likely caused heightened awareness of state and vigilante killings of unarmed Black Americans, including Breonna Taylor, George Floyd, and Ahmaud Arbery. Masked crowds took to the streets to protest racial injustice in more than 140 United States cities.<sup>19</sup> From Memorial Day to late August, there were more than 10,000 peaceful demonstrations nationwide.<sup>20</sup>

The racial injustice that occurred in the United States during the early months of the pandemic captured the world's attention. Solidarity protests occurred in Italy (and around the world). In Rome, Milan, and Naples, demonstrators knelt for a

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16. Rachel Treisman, *Darnella Frazier, Teen Who Filmed Floyd's Murder, Praised for Making Verdict Possible*, NPR (Apr. 21, 2021), <https://www.npr.org/sections/trial-over-killing-of-george-floyd/2021/04/21/989480867/darnella-frazier-teen-who-filmed-floyds-murder-praised-for-making-verdict-possib>.

17. See *id.*; Bill Chappell, *Derek Chauvin Appeals His Conviction for George Floyd's Murder*, NPR (Apr. 27, 2022), <https://www.npr.org/2022/04/27/1095032337/derek-chauvin-george-floyd-appeal>; see also Amy Forliti, *Chauvin Pleads Guilty to Federal Charge in Floyd's Death*, ASSOCIATED PRESS (Dec. 15, 2021), <https://apnews.com/article/death-of-george-floyd-george-floyd-minneapolis-race-and-ethnicity-st-paul-a8b12b1e3e0fedc1270c659e3428134e> (noting in December 2021, when he pled guilty to a federal civil rights charge, "Chauvin admitted for the first time that he kept his knee on Floyd's neck – even after he became unresponsive – resulting in the Black man's death.").

18. Larry Buchanan et al., *Black Lives Matter May Be the Largest Movement in U.S. History*, N.Y. TIMES (July 3, 2020), <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>.

19. See Derrick Bryson Taylor, *George Floyd Protests: A Timeline*, N.Y. TIMES (Nov. 5, 2021), <https://www.nytimes.com/article/george-floyd-protests-timeline.html>, for photos of the protests.

20. Roudabeh Kishi & Sam Jones, *Demonstrations & Political Violence in America: New Data for Summer 2020*, ACLED (Sept. 3, 2020), <https://acleddata.com/2020/09/03/demonstrations-political-violence-in-america-new-data-for-summer-2020/>.

symbolic eight minutes and 46 seconds to protest racism and police violence.<sup>21</sup> They held signs with slogans: Black Lives Matter, I Can't Breathe, Melanin Is Not A Crime, *Ricordermo Il Silenzio Dei Nostril Amici* (We Shall Remember Our Friends' Silence).<sup>22</sup> While Floyd's murder was a "triggering event,"<sup>23</sup> some Italians were also protesting anti-Black racism<sup>24</sup> and violence in Italy, including the 2018 murder of Idy Diene, a Senegalese immigrant living in Florence who was murdered during a time of heightened anti-immigrant, nationalist rhetoric by the League Party.<sup>25</sup> And the 2008 murder of Abdul William Guibre.<sup>26</sup> In Milan, an Italian father and son beat Guibre to death while shouting racial slurs.<sup>27</sup> Some Italians were also aware of anti-Black violence against people who, because of phenotypical

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21. Adriana Urbano & Jessica Phelan, *IN PHOTOS: People across Italy join protests against racism and police brutality*, THE LOCAL (June 8, 2020, 1:49 PM), <https://www.thelocal.it/20200608/in-photos-italy-black-lives-matter-protests-racism-police-brutality/>.

22. *Id.*

23. Donatella Della Porta et al., *The Spreading of the Black Lives Matter Movement Campaign: The Italian Case in Cross-National Perspective*, 37 SOC. F. 700, 702 (2022) (defining, in the context of transnational movements, a "triggering event" as one that contributes "to feelings of empowerment and emerging innovations through intense networking in quickly multiplying protest sites.").

24. Stefani D'Ignoti, *Black women in Italy weren't being heard. Then Black Lives Matter protests began in the United States*, THE LILY (July 6, 2020), <https://www.thelily.com/black-women-in-italy-werent-being-heard-then-black-lives-matter-protests-began-in-the-united-states/> ("We stand in solidarity with what is happening in the U.S., but we also want this to be a starting point to openly confront racism at home that is no less alarming than police brutality in America."); Nadeesha Uyangoda, *Meet the young people using Instagram to fight Italy's racism*, OPEN DEMOCRACY (Sept. 22, 2020, 5:09 AM), <https://www.opendemocracy.net/en/5050/meet-the-young-people-using-instagram-to-fight-italys-racism/> ("New and second-generation immigrants in Italy are taking to Instagram to post race-related content expressing solidarity with the Black Lives Matter movement and protesting against their own domestic cases of racism.").

25. Urbano & Phelan, *supra* note 21; Catherine Edwards, *Tension in Florence after immigrant is shot dead*, THE LOCAL (Mar. 7, 2018, 6:36 PM), <https://www.thelocal.it/20180307/tension-at-protests-over-murder-of-immigrant-in-central-florence/>; see also *Racism ruled out over homicide of Senegalese man*, ANSA (Mar. 5, 2018, 7:46 PM), [https://www.ansa.it/english/news/2018/03/05/racism-ruled-out-over-homicide-of-senegalese-man-2\\_6a71222c-d44f-4866-9e1d-d5b7fb57bddf.html](https://www.ansa.it/english/news/2018/03/05/racism-ruled-out-over-homicide-of-senegalese-man-2_6a71222c-d44f-4866-9e1d-d5b7fb57bddf.html) (stating Florence chief prosecutor said racism was not a factor in Diene's homicide).

26. Urbano & Phelan, *supra* note 21.

27. Rachel Donadio, *Italy's Attacks on Migrants Fuel Debate on Racism*, NY TIMES (Oct. 12, 2008), <https://www.nytimes.com/2008/10/13/world/europe/13italy.html>.



characteristics, were presumed immigrants, including the intentional shooting of six Black people in Macerata by Luca Traini.<sup>28</sup> In these drive-by shootings, Traini adorned his neck with an Italian flag and “appeared to target anyone who looked like they’d come from Africa.”<sup>29</sup>

In Italy, early protests mimicked the protests that immediately followed the triggering event. But in September 2020, vigilante violence resulted in Willy Monteiro Duarte’s murder, spurring conversations and criticism of Italy’s history of anti-Black racism. Duarte, a 21-year-old Black man who had just obtained Italian citizenship,<sup>30</sup> was beaten to death in a city close to Rome after attempting to de-escalate physical violence against his friend.<sup>31</sup> Brothers Gabriele and Marco Bianchi were convicted and sentenced to life in prison for Duarte’s murder.<sup>32</sup> Accomplices Mario Pincarelli and Francesco Belleggia were each sentenced to more than 20 years in jail for their roles in the murder.<sup>33</sup> While race was not proven to be a motive for his death, the perpetrators left racist comments on social media, and their parents reportedly downplayed Willy’s killing, stating that he “was just an immigrant.”<sup>34</sup> Prime Minister Giuseppe Conte attended the funeral and commented, “[w]e must look ourselves in the eye and become fully aware that there are some pockets

28. James Reynolds, *Italy migrants attack: Macerata shooting reveals bitter national debate*, BBC (Feb. 12, 2018), <https://www.bbc.com/news/world-europe-43030951>.

29. *Id.*

30. Talis Shelbourne, *Willy Monteiro Duarte, Beaten to Death: 5 Fast Facts You Need to Know*, HEAVY (Oct. 14, 2020, 8:56 AM), <https://heavy.com/news/2020/09/willy-monteiro-duarte/>.

31. Nicole Winfield, *Italy shaken by brutal beating death of young Black man*, ASSOCIATED PRESS (Sept. 12, 2020, 10:11 AM), <https://apnews.com/article/virus-outbreak-italy-race-and-ethnicity-rome-international-news-16b6a0dafbc7d11e8ab09be48805e6cc>.

32. TD Editorial Board, *Mario Pincarelli and Francesco Belleggia: who are the other two accused for the murder of Willy Monteiro*, TODAY CHRONICLE (Sept. 7, 2020, 10:57 PM), [https://www.today-it.translate.google.com/cronaca/mario-pincarelli-willy-monteiro.html?\\_x\\_tr\\_sl=it&\\_x\\_tr\\_tl=en&\\_x\\_tr\\_hl=en&\\_x\\_tr\\_pto=sc](https://www.today-it.translate.google.com/cronaca/mario-pincarelli-willy-monteiro.html?_x_tr_sl=it&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc); *Italy: Bianchi brothers get life in jail for murder of Willy Monteiro Duarte*, WANTED IN ROME (July 4, 2022), <https://www.wantedinrome.com/news/italy-bianchi-brothers-get-life-in-jail-for-murder-of-willy-duarte.html> [hereinafter WANTED IN ROME].

33. WANTED IN ROME, *supra* note 32.

34. *Widespread outrage in Italy over the killing of a 21-year-old black youth*, PEOPLES DISPATCH (Sept. 15, 2020), <https://peoplesdispatch.org/2020/09/15/widespread-outrage-in-italy-over-the-killing-of-a-21-year-old-black-youth/>.

of society and fringes of the population that cultivate the mythology of violence and oppression.”<sup>35</sup> Italian journalist Carlo Verdelli wrote that Willy’s slaying demonstrated evidence of a “hatred for those who are different, who come from the outside . . . .”<sup>36</sup> But absent explicit racial slurs made by the brothers at the time of the beating, many Italians insisted the attack was not racist.<sup>37</sup>

The anti-Black violence that sparked mass protests took place against a backdrop of ongoing racism that is deeply rooted in histories of Black oppression, White supremacy, and racist rhetoric from elected officials.<sup>38</sup> Regarding racist rhetoric from elected officials in Italy, in 2018, speaking about Italian immigrants of color, right-wing Northern League candidate for mayor of the Lombardy region Attilio Fontana said, “[w]e need to decide whether or not our ethnic group, our white race, our society should continue to exist, or be wiped out.”<sup>39</sup> His party, led by Matteo Salvini, rejected calls for him to withdraw from the mayoral race.<sup>40</sup> In 2013, a leader from the same party said the country’s first Black government minister had “features of an orangutan.”<sup>41</sup> In the United States in 2017, then-President Donald Trump remarked that White House strategist Steve

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35. Winfield, *supra* note 31.

36. *Id.*

37. Rupa Shenoy, *Italians divided over whether Black man’s beating death was motivated by racism*, THE WORLD (Sept. 23, 2020, 4:30 PM), <https://theworld.org/stories/2020-09-23/italians-divided-over-whether-black-man-s-beating-death-was-motivated-racism> (noting that Italian law requires clear-cut indications to declare an attack racially motivated but that is not how racism actually works. The insistence that the attack was not racist demonstrates that “people aren’t ready for the kind of reckoning that is necessary in order to really address systemic discrimination and racism in our society.”).

38. See Igiaba Scego, *Italy is my country-but it must face its racist history*, THE OBSERVER (Sept. 16, 2018, 4:00 AM), <https://www.theguardian.com/world/2018/sep/16/italy-must-face-racist-history>.

39. James Reynolds, *Italy election: ‘White race’ remark sparks row*, BBC (Jan. 17, 2018), <https://www.bbc.com/news/world-europe-42717117>.

40. *Id.*

41. Lizzy Davies, *Italian senator says black minister has ‘features of orangutan’*, THE GUARDIAN (July 14 2013, 10:49 AM), <https://www.theguardian.com/world/2013/jul/14/italian-senator-roberto-calderoli-cecile-kyenge>.

Bannon was “a friend”<sup>42</sup> and “not a racist”<sup>43</sup> despite Bannon being a self-proclaimed leader of the alt-right,<sup>44</sup> a group that embraces “white ethnonationalism as a fundamental value.”<sup>45</sup>

Moving away from the triggering event and focusing on violence against Black people in Italy, activists, journalists, and scholars have sought to contextualize racist violence in Italy. In doing so, they connect contemporary racism to Italy’s colonial past by focusing on forgotten or denied histories, which demonstrate that anti-Black racism preceded formal fascist rule and continues today. They emphasized that racism was not just an American problem<sup>46</sup> and that Italy’s racism is systemic and cannot be reduced to events of racist violence.<sup>47</sup> Black Italian journalist Nadeesha Uyangoda wrote, “Italy’s unwillingness to deal with its colonial past has made space for denial, historical distortion, and ultimately, the idea that Italians can’t be racists.”<sup>48</sup> Angelica Pesarini, a Black Italian scholar, questioned why so many White Italians engaged in performative anti-racism by protesting Floyd’s murder but failed to demonstrate similar outrage for Black men killed in Italy and actively engaged in denials of anti-Black racism in Italy.<sup>49</sup> Criticisms not

42. Angie Drobnic Holan, *In Context: Donald Trump’s ‘very fine people on both sides’ remarks (transcript)*, POLITIFACT (Apr. 26, 2019), <https://www.politifact.com/article/2019/apr/26/context-trumps-very-fine-people-both-sides-remarks/>.

43. *Id.*

44. Mark Landler, *Trump Says Bannon Is ‘Not a Racist,’ but His Job Status Remains in Doubt*, N.Y. TIMES (Aug. 15, 2017), <https://www.nytimes.com/2017/08/15/us/politics/steve-bannon-trump-white-house.html>.

45. *Alt-Right*, S. POVERTY L. CTR., <https://www.splcenter.org/fighting-hate/extremist-files/ideology/alt-right> (last visited Feb. 15, 2024).

46. Nadeesha Uyangoda, *Italy, It’s Time to Confront Your Own Rampant Racism*, OPEN DEMOCRACY (June 17, 2020, 8:00 AM), <https://www.opendemocracy.net/en/5050/italy-its-time-to-confront-your-own-rampant-racism/> (“While Italians support Black Lives Matter in the US, we must look closer to home—at our own language, colonial history and racist politicians . . .”); Asia Guerreschi, *Do Black Lives Matter in Italy?*, ITALICS MAG. (July 9, 2021), <https://italicsmag.com/2021/07/09/do-black-lives-matter-in-italy/> (“While racial sensitivity becomes an increasingly important topic globally, Italy is dragging its heels both politically and socially.”)

47. Oiza Q. Obasuyi, *Systemic Racism, Italian Style*, WORLD CRUNCH (Oct. 5, 2020), <https://worldcrunch.com/culture-society/systemic-racism-italian-style>.

48. Uyangoda, *supra* note 46.

49. Angelica Pesarini & Carla Panico, *From Colston to Montanelli: Public Memory and Counter-movements in the Era of Black Lives Matter.*, 9 FROM THE EUR. S. 99, 105 (2021) (citing Angelica Pesarini, *Issues of Privileges: Italy and Its George Floyds*, IL LAVORO CULTURALE (2020)).

only revealed collective amnesia about Italy's racist colonial past, but they also revealed the challenges associated with a global conception of "Black Lives Matter" that often failed to recognize the related but different lived experiences with anti-Blackness in Italy and the United States.

This article employs a critical comparative law framework and applies tenets of Afro-pessimism. Culturally biased perspectives defeat the goals of comparative law: "to reform and improve laws to further justice and to better the lot of humankind."<sup>50</sup> Critical comparative scholarship aims to avoid cultural bias by challenging the idea that law is inherently neutral and can be objectively examined.<sup>51</sup> Here, I apply a critical comparative framework to highlight legal and social anti-Blackness in the United States and Italy. Afro-pessimism is mindful of Black people's lived experience with pervasive anti-Blackness.<sup>52</sup> "[I]t suggests that the Western world is so . . . infused with anti-black racism that cannot be reformed; it must be re-imagined and replaced with a different system."<sup>53</sup> Here, with a focus on three tenets of Afro-pessimism—lived experience, Blackness as social death,<sup>54</sup> and anti-Black violence—I highlight the importance of context in geographically disparate "Black Lives Matter" activism.

Though I compare aspects of Italy's civil law and the United States' common law, I am less interested in finding similarities and differences between the two legal systems and more interested in exploring the relationship between law and anti-Blackness. The Constitutions of Italy and the United States guarantee civil rights and outline frameworks for equality irrespective of a citizen's race or ethnicity. Adopted in 1868, the Fourteenth Amendment of the United States Constitution<sup>55</sup> was intended to achieve racial justice.<sup>56</sup> Italy's Constitution, adopted

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50. Frankenberg, *supra* note 3, at 413.

51. *See id.* at 411, 439.

52. HEATHER MERRILL, *BLACK SPACES: AFRICAN DIASPORA IN ITALY* xix (1st ed. 2018).

53. *Id.*

54. Also conceptualized as "social erasure" in Italy. *See* Merrill, *supra* note 52, at 148–52.

55. U.S. CONST. amend. XIV, § 1 ("No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.")

56. Dennis Parker, *The 14<sup>th</sup> Amendment Was Intended to Achieve Racial Justice—And We Must Keep It That Way*, AM. CIV. LIBERTIES UNION (July 9,

in 1947, recognizes, grants, and protects the social dignity of all citizens, who must be considered equal before the law “without distinction of . . . race.”<sup>57</sup> Italy is also a member state of the Council of Europe and, by virtue of its membership, has ratified the European Convention on Human Rights (ECHR).<sup>58</sup> Discrimination is explicitly prohibited by Article 14 of the ECHR of 1950:

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.<sup>59</sup>

Evidencing continued commitment to “the fundamental principle according to which all persons are equal before the law and entitled to equal protection of the law.” Protocol No. 12 of 2000 prohibited discrimination in the “enjoyment of any right set forth by law.”<sup>60</sup>

This article contextualizes the triggering event— George Floyd’s murder and “Black Lives Matter” protests in the United States—by analyzing anti-Black origin and entrenchment. First, I examine Black and White racialization. Next, a comparison of colonialism in the United States and Italy illuminates how colonial laws and practices established Whiteness as civil, moral, and powerful. Here, post-colonial collective amnesia reveals similarities in the ways anti-Black violence is sanitized and anti-Black racism is denied. Next, it demonstrates how blood narratives perpetuate anti-Blackness by legally limiting the rights of Black people. Finally, it contextualizes the triggering

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2018, 5:45 PM), <https://www.aclu.org/blog/racial-justice/race-and-inequality-education/14th-amendment-was-intended-achieve-racial-justice> (“ [The 14th Amendment’s] passage was an effort to provide substance to the Declaration of Independence’s promises of freedom and equality, which from the beginning had not applied to significant parts of the population, including Black people and women.”)

57. Art. 3 COSTITUZIONE [COST.] (It.)

58. *Italy Fact Sheet*, Int’l Just. Res. Ctr., <https://ijrcenter.org/country-factsheets/country-factsheets-europe/italy-factsheet/> (last visited Feb. 15, 2024).

59. *Convention for the Protection of Human Rights and Fundamental Freedoms*, 13 COUNCIL OF EUR., 13 (Rome, 1950), [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf).

60. *Id.* at 51.

event. Borrowing from tenets of Afro-pessimism, it concludes by highlighting the importance of context in geographically disparate “Black Lives Matter” activism.

#### RACIALIZATION: WHITENESS & BLACKNESS

*“You were born where you were born and faced the future that you faced because you were Black and for no other reason . . . You were born into a society which spelled out with brutal clarity, and in as many ways as possible, that you were a worthless human being. You were not expected to aspire to excellence: you were expected to make peace with mediocrity.”*

-James Baldwin<sup>61</sup>

Before examining the relationship between anti-Blackness and law in Italy and the United States, it is important to understand how race has been historically constructed and how it is reproduced in both places. Racialization occurs when meaning attaches to racial identity. This section briefly outlines social constructions of race, particularly Blackness and Whiteness, in Italy and the United States. It highlights the ways people were intentionally racialized.

#### RACIALIZATION IN THE UNITED STATES

Racialization of White people and non-White Others was essential to settler colonialism and chattel slavery.<sup>62</sup> For settlers and colonists, “Becoming white increased the possibility of controlling critical aspects of one’s life rather than being the object of others’ domination.”<sup>63</sup> Racialization entitled White

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61. JAMES BALDWIN, *THE FIRE NEXT TIME* 171 (1963).

62. Natsu Taylor Saito, *Tales of Color and Colonialism: Racial Realism and Settler Colonial Theory*, 10 *FLA. A&M U. L. REV.* 1, 55-56 (2014) (“[S]ettlers instituted increasingly inclusive racial classification schemes resulting, ultimately, in the ‘one-drop rule.’ . . . [T]he settler class came to identify itself as White, and to define Whiteness with as much exclusivity as possible. This illogical system by which persons continue to be assigned Black or White identities in American societies can thus be traced directly to settler interest.”) [hereinafter Saito, *Tales*].

63. Cheryl I. Harris, *Whiteness as Property*, 106 *HAR. L. REV.* 1707, 1713 (1993) [hereinafter Harris, *Whiteness*].

people to possess land and people.<sup>64</sup> “White” became synonymous with persons, rights, and freedom, while “Black” became synonymous with property and slavery.<sup>65</sup> Slave codes denoted differences based on race: “Blacks were not permitted to travel without permits, to own property, to assemble publicly, or to own weapons; nor were they to be educated.”<sup>66</sup> Narratives of White superiority and Black inferiority characterized settler colonialism and formed the basis for present-day perceptions of people racialized as Black.<sup>67</sup>

Chattel slavery created property interests in Whiteness that were ultimately enshrined in law and legal systems.<sup>68</sup> Here, “Law is both a system of behavioral control and an ideology . . . [that] encompasses a set of institutions, actors, and ideas that are interdependent . . .”<sup>69</sup> Anti-miscegenation laws originated in the colonial era and persisted until 1967 in an effort to legally define and preserve racial categories which in turn preserved racial hierarchy.<sup>70</sup> Under the Constitution, enslaved people were three-fifths of a White person.<sup>71</sup> Segregation laws reinforced racial categorization and meaning.<sup>72</sup> Through law, “Whiteness conferred on its owners aspects of citizenship that were all the more valued because they were denied to others.”<sup>73</sup> Through violence—the threat and disregard of harm—legal actors facilitated the construction of race.<sup>74</sup> Understanding how racialized attitudes influenced the production of law illuminates how laws that appear race-neutral do the work of maintaining

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64. *Id.* at 1717–18.

65. *Id.* at 1718, 1721, 1726.

66. *Id.* at 1718.

67. See Saito, *Tales*, *supra* note 62, at 57.

68. Harris, *Whiteness*, *supra* note 63, at 1713 (“Whites have come to expect and rely on these benefits, and over time these expectations have been affirmed, legitimated, and protected by the law.”); see also Marissa Jackson Sow, *Whiteness as Contract*, 78 WASH. & LEE L. REV. 1803, 1817 (2022) (“Race is a social construct, but it is equally, and more consequentially, a legal construct. The theory of whiteness as contract is the theory of an invisible contract, under which Black Americans exist and are policed and governed.”).

69. IAN HANEY-LOPEZ, *WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE* 113–14 (1996).

70. Harris, *Whiteness*, *supra* note 63, at 1717; see Christine B. Hickman, *The Devil and the One Drop Rule: Racial Categories, African Americans, and the U.S. Census*, 95 MICH. L. REV. 1161, 1173 (1997).

71. Harris, *Whiteness*, *supra* note 63, at 1719 (citing U.S. CONST. art. I, § 2 cl. 3).

72. HANEY-LOPEZ, *supra* note 69, at 120.

73. Harris, *Whiteness*, *supra* note 63, at 1744.

74. HANEY-LOPEZ, *supra* note 69, at 121.

racial divisions.<sup>75</sup>

The construction of race is central to a White racial identity in the United States that is threatened by the perception of a declining value of Whiteness.<sup>76</sup> Reflecting on her seminal work, Cheryl Harris notes that “[T]he law elevates and ratifies (white) expectations with regard to property.”<sup>77</sup> This includes expectations about a vested interest in Blackness as property, though the interests are systemically reproduced and represented without reference to race.<sup>78</sup> Reflecting on the 2016 election of Donald Trump, Toni Morrison noted White people were “prepared to abandon their humanity” to protect White supremacy in an America that is becoming less White and thus losing its definitive Americanness.<sup>79</sup> Throughout his presidency, Donald Trump communicated his intent to protect White supremacy, even through violence, to his supporters.<sup>80</sup> On January 6, 2021, these supporters rioted and raided the United States Capitol in the ultimate demonstration of their “crusade against a multicultural America that had been contemplating the dismantlement . . . of Confederate monuments . . . [and] the legal and economic order that those monuments represented.”<sup>81</sup>

#### RACIALIZATION IN ITALY

Racialization efforts in Italy preceded fascism and benefited from African colonialism. In the Italian context, an application of Critical Whiteness Studies (CWS) reveals how intentional practices and social messaging constructed Whiteness and produced (and continues to reproduce) White supremacy and its

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75. *Id.* at 112–13.

76. See Toni Morrison, *Mourning for Whiteness*, THE NEW YORKER (Nov. 13, 2016), <https://www.newyorker.com/magazine/2016/11/21/aftermath-sixteen-writers-on-trumps-america>.

77. Cheryl Harris, *Reflections on Whiteness as Property*, 134 HARV. L. REV. F. 1, 9 (2020).

78. See *id.* at 1011.

79. Morrison, *supra* note 76 (“So scary are the consequences of a collapse of white privilege that many Americans have flocked to a political platform that supports and translates violence against the defenseless as strength.”).

80. See Marissa Jackson Sow, *Whiteness at Guilt: Attacking Critical Race Theory to Redeem the Racial Contract*, 69 UCLA L. REV. DISCOURSE 20, 23 (2022); see also Etienne C. Toussaint, *Blackness as Fighting Words*, 106 VA. L. REV. ONLINE 124, 125-26, 127-28 (2020) (noting the violence ordered by Trump and carried out by police in response to BLM protestors exercising their First Amendment rights).

81. Sow, *supra* note 80, at 22.



privileges.<sup>82</sup> A collective White identity was constructed by creating two distinct others: the interior others from Southern Italy and the exterior others in the African colonies.<sup>83</sup> First, to promote a unified Italian racial identity, Southern Italians who were previously considered part of the “Mediterranean race” underwent a “whitening” process.<sup>84</sup> To aid in this process, late 19th Century racist historiographies promoted racial hierarchy by “celebrating the virtues of the Aryan race,” of which White Italians were part.<sup>85</sup> Second, with the establishment of African colonies, “Italians *became* white because they were able to contrast themselves with a darker other.”<sup>86</sup> The Italian investment in Whiteness is protected through cultural messaging and citizenship laws.<sup>87</sup> “[C]ontemporary Italian citizenship . . . laws are in effect generating new forms of racialized differentiation based on supposedly race-neutral categories such as birthplace, descent, and neoliberal economic productivity.”<sup>88</sup> The Italian government’s 2016 Fertility Day poster is a recent example of cultural messaging.<sup>89</sup> The poster images promoted the good habits of White people and bad habits of non-White people, sending the message “that the Whiteness of the Italian race is a good habit to maintain.”<sup>90</sup>

Under Mussolini, so-called scientific notions of race were used to justify legal racialization. In 1938, the Council of Ministers promulgated the Race Manifesto, also known as the *Manifesto degli Scienziati Razzisti* (Manifesto of Racial

82. Carla Panico, *The re/production of a (white) people: confronting Italian nationalist populism as a gender and race issue*, 25 EUR. J. OF ENG. STUD. 133, 133, 140 (2021).

83. *Id.* at 137, 140; Lucia Re, *Italians and the Invention of Race: The Politics of Difference in the Struggle Over Libya, 1890-1913*, 1 CAL. IT. STUD. 1, 10–11 (2010).

84. Panico, *supra* note 82, at 140; Camilla Hawthorne, *L’Italia Meticcia? The Black Mediterranean and the Racial Cartographies of Citizenship*, in *THE BLACK MEDITERRANEAN: BODIES, BORDERS, AND CITIZENSHIP* 174 (The Black Mediterranean Collective, eds., 2021) (noting that post-unification, the Italian Mediterranean identity has been framed as a problem of “insufficient racial purity” as White Italians did “not fit comfortably within the Aryanist racial ideologies” that dominated Europe) [hereinafter Hawthorne, *L’Italia*].

85. Re, *supra* note 83, at 23–24.

86. Panico, *supra* note 83, at 139 (internal quotation marks omitted).

87. It’s important to note that citizenship laws play a role in creating meaning of race without explicitly mentioning race or directly targeting people of African descent. See Hawthorne, *L’Italia*, *supra* note 84, at 176.

88. Hawthorne, *L’Italia*, *supra* note 84, at 176.

89. Panico, *supra* note 82, at 142–43.

90. *Id.*

Scientists).<sup>91</sup> The Manifesto, along with a biweekly newspaper—*La Difesa della Razza* (In Defense of Race)—helped “foster racism through biological and scientific” rationales.<sup>92</sup> The ten chapters of the Race Manifesto proclaimed that race and racial differences were a scientific phenomenon, “reiterated the Aryan origins of Italians” and the purity of Italian blood, and encouraged Italians to be racist in an effort to preserve the racial purity of their bloodline.<sup>93</sup> The Race Manifesto influenced legal constructions of race, as seen in the Racial Laws enacted three months after the publication of the Race Manifesto. To fortify the whitening project, Mussolini expelled all people of African descent living in Italy in 1938<sup>94</sup> and encouraged White Italians to preserve their racial superiority.<sup>95</sup> Despite formal condemnations of racism during fascism, the Catholic church was complicit in the perpetuation of sentiments and laws that attached negative meaning to Blackness.<sup>96</sup>

The Italian Census reveals one way race is discretely constructed in Italy. While the Census does not explicitly ask questions about race or ethnicity, questions about “citizenship, place of birth, former citizenship for Italians, and citizenship of parents” operate as proxies for racial categorization.<sup>97</sup> This post-WWII colorblind resolution was put in place as discussions of

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91. *La Difesa Della Razza*, U. OF S. FL. DIGITAL COMMONS, <https://digitalcommons.usf.edu/razza/> (last visited Aug. 25, 2022).

92. *Id.*

93. Angelica Pesarini, “Blood Is Thicker Than Water”: *The Materialization of the Racial Fascist Body in East Africa*, 4 ZAPRUDER WORLD: INT’L J. FOR HIST. SOC. CONFLICT (2017) [hereinafter Pesarini, *Blood*]; Fabrizio De Donno, *La Razza Ario-Mediterranea*, 8 INT’L J. POSTCOLONIAL STUD. 394, 408 (2007).

94. Silvana Patriarca & Valeria Deplano, *Nation, ‘Race’, and Racisms in Twentieth-Century Italy*, 23 MOD. IT. 349, 350 (2018).

95. Angelica Pesarini, *When the Mediterranean “Became” Black: Diasporic Hopes and (Post)colonial Traumas*, in THE BLACK MEDITERRANEAN: BODIES, BORDERS, AND CITIZENSHIP 41 (The Black Mediterranean Collective eds., 2021) [hereinafter Pesarini, *When*] (quoting Mussolini’s 1938 speech: “Because for the empire to be preserved the natives must be clearly and forcefully aware of our superiority.”).

96. See Nina Valbousquet, *Race and Faith: The Catholic Church, Clerical Fascism, and the Shaping of Italian Anti-Semitism and Racism*, 23 MOD. IT. 355, 365 (2018) (noting a draft from a Church ambassador to the Italian government stating that the Church “discourages . . . for moral and hygienic reasons, unions between whites and blacks and any kind of heterogeneous union, also to avoid the formation of half-breeds, who combine all the flaws of different races that are being mixed.”) (internal quotation marks omitted).

97. Elena Ambrosetti & Eralba Cela, *Demography of Race and Ethnicity*, in ITALY IN THE INTERNATIONAL HANDBOOK OF THE DEMOGRAPHY OF RACE AND ETHNICITY 459 (Rogelio Saenz et al. eds., 2015).

race became taboo in the aftermath of explicit racial discrimination under the fascist regime.<sup>98</sup> Per the 2011 Census, people connected to African countries—either by former citizenship, place of birth, or citizenship of parents—make up the second largest population of people in Italy.<sup>99</sup>

The construction of race is central to a racialized Italian identity that is threatened by the presence of racialized Black Others.<sup>100</sup> The White nationalism at the heart of recent backlash demonstrates a direct link to the Italian construction of Whiteness, which began in the colonial era. For example, in advance of the opening of a retail location in 2017, Starbucks planted palm trees in Milan's Piazza del Duomo and had plans to plant banana trees.<sup>101</sup> Anti-immigrant politician Matteo Salvini remarked, “[t]he only things missing are sand and camels, and then the *clandestini* [undocumented people] will feel at home.”<sup>102</sup> Members of his political party gathered in the square with inflatable and real bananas, a clear trope.<sup>103</sup> Near the plaza, members of a neo-fascist group held signs that read: “No to the Africanization of the Piazza del Duomo.”<sup>104</sup> On February 16, the *Azione Identitaria*<sup>105</sup> issued a call to action against the “destruction of Western civilization.”<sup>106</sup> Days later, a group of White men set the palm trees on fire overnight.<sup>107</sup> The burning of the palms is just one example of how fears about encroachment of sacred White spaces and the replacement of the White Italian race demonstrate the success of a whitening project which racialized people of African descent as inferior Others.<sup>108</sup>

The intentional racialization of people as White and Black is an important aspect of the identities of the United States and

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98. *Id.* at 458.

99. *See id.* at 476–77.

100. *Re, supra* note 83, at 2.

101. *Controversial Milan palm trees burned*, ANSA (Feb. 20, 2017), [https://www.ansa.it/english/news/general\\_news/2017/02/20/controversial-milan-palm-trees-burned\\_8de81b82-91a0-42ba-bb2c-4d7cfc160936.html](https://www.ansa.it/english/news/general_news/2017/02/20/controversial-milan-palm-trees-burned_8de81b82-91a0-42ba-bb2c-4d7cfc160936.html).

102. Hawthorne, *L'Italia, supra* note 84, at 179.

103. *Id.*

104. *Id.*

105. *Id.* (“[A] patriotic movement of militant action and cultural struggle to protect Italic, regional, and European identity.”) (internal quotation marks omitted).

106. *Id.*

107. *Id.*

108. *See id.* at 182–83.

Italy. In the following section, I explore how anti-Black sentiment and violence further constructed Whiteness as civil, moral, and powerful in the Colonial Era.

#### COLONIALISM AND POST-COLONIAL “COLLECTIVE AMNESIA”

*“[S]o it was the evil sin of colonialism . . . .”*

-Malcolm X<sup>109</sup>

In an effort to understand the ways in which anti-Blackness resulted from the modern Colonial Era,<sup>110</sup> this section explores colonialism. Here, colonialism means the forming or reforming of a community through a system of domination that relies on the construction of racialized identities.<sup>111</sup> A primary aspect of colonialism is its purported “civilizing mission” used to rationalize the eradication of the “cultures, languages, and histories, as well as the social, economic, legal, and political structures and institutions of the colonized.”<sup>112</sup> For explanations of colonialism and its enduring relationship to law and race, I rely on leading scholars Natsu Taylor Saito, Andrea Smith, Angelica Pesarini, and The Black Mediterranean Collective (The BMC).

First, with the goal of highlighting the anti-Blackness of the White supremacist colonial mindset, I briefly outline settler and franchise colonialism. Next, I examine how post-colonial collective amnesia exemplifies systemic White ignorance about the anti-Black racism of colonialism. Finally, I provide contemporary examples of post-colonial collective amnesia, including the anti-Critical Race Theory (“anti-CRT”) movement in the United States and persistent denialism in Italy.

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109. MALCOLM X, *God’s Judgment of White America (The Chickens Are Coming Home to Roost)*, in THE END OF WHITE WORLD SUPREMACY: FOUR SPEECHES 121, 179 (Imam Benjamin Karim ed., 1971).

110. In this article, my focus is on the exploration, conquest, and exploitation of the world by European nations, which began around 1500. See Charles E. Nowell, *Western Colonialism*, BRITANNICA (Oct. 31, 2023), <https://www.britannica.com/topic/Western-colonialism>.

111. NATSU TAYLOR SAITO, SETTLER COLONIALISM, RACE, AND LAW 42–45 (2020) [hereinafter SAITO, SETTLER] (citing ANIA LOOMBA, COLONIALISM/POSTCOLONIALISM, 1993 (3d ed., 2015)).

112. Saito, *Tales*, *supra* note 62, at 24.

## SETTLER COLONIALISM

The distinctive feature of settler colonialism is the settlers' intent to permanently occupy colonial land.<sup>113</sup> Thus, settler colonialism is more aptly characterized as a structure rather than an event.<sup>114</sup> Legal scholar Natsu Taylor Saito connects structural racism in the United States to settler colonialism. Through intentional practices like genocide and enslavement, settlers created colonies by forcibly displacing Indigenous people and communities.<sup>115</sup> The myth of civilization set up a perpetual narrative of the civilized White settler and the inferior, uncivilized colonized people. Immutable physical characteristics, like skin color, became the dominant rationalization settlers proffered for Indigenous genocide and chattel slavery.<sup>116</sup> In this structure, White settlers created a hierarchy wherein they benefited from defining the social and legal rights of Indigenous people and non-Indigenous others, namely enslaved Africans.<sup>117</sup> Never intending to fully incorporate others into society, the "settler class" created institutions designed to keep others in a place of perpetual subordination.<sup>118</sup>

Andrea Smith defines three intersecting logics of White supremacy directly connected to settler colonialism.<sup>119</sup> Slavery, the first logic, is rooted in anti-Blackness and directly connected to capitalism.<sup>120</sup> This logic "renders Black people as inherently slaveable" and sets up a hierarchy in which Blackness is synonymous with property, a commodity to be bought and sold to benefit White people.<sup>121</sup> Genocide, the second logic of White supremacy, requires indigenous peoples to disappear so that

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113. *Id.* at 25.

114. Patrick Wolfe, *Settler Colonialism and the Elimination of the Native*, 8 J. GENOCIDE RSCH. 387, 388 (2006).

115. Saito, *Tales*, *supra* note 62, at 23.

116. *Id.* at 24.

117. Natsu Taylor Saito, *Race and Decolonization: Whiteness as Property in the American Settler Colonial Project*, 31 HARV. J. RACIAL & ETHNIC JUST. 31, 48 (2015).

118. Saito, *Tales supra* note 62, at 30.

119. Andrea Smith, *Indigeneity, Settler Colonialism, White Supremacy*, in RACIAL FORMATION IN THE TWENTY-FIRST CENTURY 66, 68 (Daniel Martinez et. al. eds., 2012).

120. *Id.* at 68.

121. *Id.*

settlers can claim rightful possession of their land.<sup>122</sup> In settler colonialism, genocide is physical and cultural.<sup>123</sup> Orientalism, the third logic, is directly connected to war.<sup>124</sup> “The logic of orientalism marks certain peoples or nations as inferior and deems them to be a constant threat to the well-being of empire.”<sup>125</sup>

Settlers justified chattel slavery by characterizing Africans as nonhuman.<sup>126</sup> Enslaved Africans were violently stripped of their “cultural and spiritual practices, languages, histories, family ties.”<sup>127</sup> Africans were not initially considered slaves for life but indentured servants who could earn their freedom.<sup>128</sup> As White settlers acquired more land, chattel slavery became the primary institution enabling settlers’ financial prosperity.<sup>129</sup> Population control, spatial containment, and violence and terror were strategies of subjugation employed by White settlers to preserve wealth and productivity.<sup>130</sup> Colonial slave codes described settlers’ clear intent to preserve prosperity through enslaved labor: “the plantations and estates of this Province cannot be well and sufficiently managed and brought into use,

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122. *Id.* at 69. Settlers justified displacement by characterizing Indigenous people as nomadic. See Saito, *Tales*, *supra* note 62, at 49 (citing *Cherokee Nation v. Georgia*, 30 U.S. 1, 17 (1831) (Johnson, J., concurring) (describing Native American tribes as “nothing more than wandering hordes held together only by ties of blood and habit.”)).

123. Smith, *supra* note 119, at 73. In the United States, “policies of cultural genocide [included] boarding schools, relocation, removal, and termination.” *Id.*

124. *Id.* at 69 (expanding the use of “orientalism” beyond the Asian Orient to broadly include the colonial practice of deeming certain people inferior and threatening to empire).

125. *Id.*

126. Monika Batra Kashyap, *U.S. Settler Colonialism, White Supremacy, and the Racially Disparate Impacts of COVID-19*, 11 CAL. ONLINE 517, 523 (2020) (“Black people are viewed as ‘barbaric wild animals with savage natures’ as evidenced . . . by colonial slave codes.”) (citing WINTHROP D. JORDAN, *WHITE OVER BLACK: AMERICAN ATTITUDES TOWARD THE NEGRO: 1550–1812*, at 109–10 (1968)).

127. Saito, *Tales*, *supra* note 62, at 54–55.

128. See SAITO, SETTLER, *supra* note 111, at 82. See, e.g., Kat Eschner, *The Horrible Fate of John Casor, the First Black Man to be Declared a Slave for Life in America*, SMITHSONIAN MAG. (Mar. 8, 2017), <https://www.smithsonianmag.com/smart-news/horrible-fate-john-casor-180962352/> (providing an account of John Casor, an indentured servant in the Colony of Virginia who in 1655 was legally declared a slave for life after losing a disagreement with a White tobacco farmer named Anthony Johnson).

129. See SAITO, SETTLER *supra* note 111, at 83.

130. *Id.* at 88–93.

without the labor and service of negroes and other slaves.”<sup>131</sup> By the 1857 United States Supreme Court decision of *Dred Scott v. Sanford*, anti-Black sentiment and White superiority were entrenched in American life:

They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it. This opinion was at that time fixed and universal in the civilized portion of the white race.<sup>132</sup>

#### FRANCHISE COLONIALISM

The goal of franchise colonialism is to “extract resources,” not settle permanently.<sup>133</sup> Italy’s colonial history is complex and includes interior colonization of the south by the north and colonization in North Africa, namely Libya.<sup>134</sup> My focus, however, is on franchise colonialism in East Africa from 1885, when Italians established their official presence in Massawa, a port city of the Red Sea.<sup>135</sup> Angelica Pesarini’s scholarship illuminates the relationship between the Italian colonial invasion of East Africa and racialized Italian identities. Racist colonial logic— “a desire to perpetuate a kind of ‘civilising mission’ . . . where a more ‘advanced’ society feels authorised to teach moral codes and ‘good values’ to an uncivilised ‘Other’”— was a key aspect of Italian colonialism.<sup>136</sup> They believed they

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131. *Id.* at 85–86 (quoting the preamble to the 1969 South Carolina slave code).

132. *Dred Scott v. Sanford*, 60 U.S. (19 How.) 393, 407 (1857).

133. Kashyap, *supra* note 126, at 518 (citing JÜRGEN OSTERHAMMEL, COLONIALISM: A THEORETICAL REVIEW 11, 15 (2005)). Though economy was a goal of Italian colonialism in Africa, the endeavor was hardly financially prosperous. See Alexander De Grand, *Mussolini’s Follies: Fascism in Its Imperial and Racist Phase*, 13 CONTEMP. EUR. HIST. 127, 129, 132–33 (2004).

134. Merrill, *supra* note 52, at 12, 27.

135. *Id.* at 30.

136. See Angelica Pesarini, *The Reinvention of Tradition: New Configurations of Gender Identity and Economic Strategies Within Roma*

were bringing “freedom to the people oppressed by barbarianism.”<sup>137</sup>

Colonial expansion was accomplished through violence.<sup>138</sup> In 1887, the Ethiopian army successfully fought against attempted Italian expansion in the Battle of Dogali.<sup>139</sup> Nonetheless, in 1889, Emperor Menelik II signed the Treaty of Wichale, the “legal birth certificate of the Italian colony of Eritrea” that permitted Italian expansion but created a legal boundary between Italian coastal land and sovereign Ethiopian land.<sup>140</sup> When the Italian army encroached on the boundary in 1896, Ethiopia defeated Italy in the Battle of Adwa.<sup>141</sup> Despite defeat, the Italians continued to pursue control of Ethiopia.<sup>142</sup> In violation of the Geneva Protocol—a prohibition on the use of chemical weapons in international armed conflict—the Italian army used mustard gas to defeat the Ethiopian army on the Amba Aradam mountain in 1936.<sup>143</sup> This defeat resulted in the consolidation of Italian colonies in Somaliland, Eritrea, and Ethiopia and the formal establishment of the Italian Empire under Mussolini.<sup>144</sup> Mussolini’s Racial Laws formalized notions of the superior Italian man and the inferior African other.<sup>145</sup>

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*Communities in Italy*, 32 REFUGEE SURV. Q. 101, 114 (2013) (first quoting REPRESENTATION: CULTURAL REPRESENTATION AND SIGNIFYING PRACTICES (Stuart Hall ed., 1997); then quoting ANNE MCCLINTOCK, IMPERIAL LEATHER: RACE, GENDER AND SEXUALITY IN THE COLONIAL CONTEXT (1995)).

137. See Fabrizio De Donno & Neelam Srivastava, *Colonial and Postcolonial Italy*, 8 INT’L J. OF POSTCOLONIAL STUD. 371, 376 (2006).

138. De Grand, *supra* note 133, at 141 (noting the “mindless violence” and genocide in response to any act of African rebellion).

139. Angelica Pesarini, *You Are the Shame of the Race: Dynamics of Pain, Shame, and Violence in Shape Shifting Processes*, in SHAPE SHIFTERS: JOURNEYS ACROSS TERRAINS OF RACE AND IDENTITY 189, 191 (Lily Anne Y. Welty Tamai et al. eds., 2020). [hereinafter Pesarini, *Shame*].

140. Sven Rubenson, *The Protectorate Paragraph of the Wichale Treaty*, 5 J. AFR. HIST. 243, 243 (1964).

141. Pesarini, *Shame*, *supra* note 139, at 191–92.

142. *Id.* at 142.

143. Giorgio Ghiglione, *As Europe Reckons with Racism, Italy Still Won’t Confront Its Colonial Past*, FOREIGN POL’Y MAG. (July 30, 2020), <https://foreignpolicy.com/2020/07/30/as-europe-reckons-with-racism-italy-still-wont-confront-its-colonial-past/>. It’s important to note that the Italian army experimented with poisonous gas in Libya in 1931. See De Grand, *supra* note 133, at 132.

144. Pesarini, *Shame*, *supra* note 139, at 192.

145. See De Grand, *supra* note 133, at 142, 144–45 (“The white commands and the black obeys, the white directs and the black works, the white is served and the black serves him . . .”).



Italian concentration camps and racial segregation in the African colonies became test grounds for fascist racial policy on the Italian mainland.<sup>146</sup>

African women experienced gendered racism and sexual violence by the predominantly male Italian occupants of East Africa. The “construction of African women as available and sexually insatiable” comprised racist colonial logic.<sup>147</sup> Thus, *madamato* or *madamismo*—taking a temporary mistress or concubine—was common practice.<sup>148</sup> Italian men viewed Eritrean women as racialized sexual objects, not suitable for relationships. Journalist Renato Paoli wrote, “there are black females, exuberant and generous; but women are missing and women can only be white.”<sup>149</sup> Indro Montanelli, a celebrated Italian journalist who voluntarily participated in the Italian invasion of Ethiopia, claimed to “marry” a twelve-year-old Ethiopian girl whom he described as a “docile little animal.”<sup>150</sup> Despite admitting on national television that his actions would have been considered rape in Europe, he minimized sexual abuse saying “I do apologize, but in Africa it’s different” justifying his actions by relying on an interpretation of African customs which benefited him and other Italian men.<sup>151</sup> While their actions would have been immoral elsewhere, Italian law protected Italian men who engaged in acts of sexual violence in the

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146. *Id.* at 138–39.

147. Pesarini, *Shame*, *supra* note 139, at 193, 199 (“By the end of the eighteenth century, the inferiorization and the reduction of Black people to the realm of animals added to racial stereotypes produced by the Western scientific community, which framed the sexuality of Blacks as ‘deviant.’ Black women were seen as so hyper-sexualized that they would copulate with apes.”); see SANDRA PONZANESI, BEYOND THE BLACK VENUS: COLONIAL SEXUAL POLITICS AND CONTEMPORARY VISUAL PRACTICES IN ITALIAN COLONIALISM: LEGACY AND MEMORY 166 (Jacqueline Andall & Derek Duncan eds., 2005) (“[T]he image of the black Venus . . . allegorically rendered and vindicated the position of the white male colonizers expanding their authority and property over the virgin soil of the imperial territory, of which the black Venus is the quintessential emblem of the other, both in racial and sexual terms.”).

148. Pesarini, *Shame*, *supra* note 139, at 192; Ghiglione, *supra* note 143.

149. Pesarini, *Shame*, *supra* note 139, at 193.

150. *Id.* at 199.

151. In this video, Indro Montanelli downplays his sexual assault when questioned by a Black woman, who explains, “But it is not marriage as you intend it, at twelve, in Africa . . . So yours was the violent relationship of the colonialist who came there to seize.” See @protecttheflames, TWITTER (June 14, 2020, 11:51 AM), <https://twitter.com/protecttheflames/status/1272195056959737860?lang=en>.

colonies.<sup>152</sup> For example, “[A]n Italian man accused of raping a nine-year-old girl in Massawa . . . was released by the court because of ‘Eritrean easy virtues’ and [a] ‘different meaning attached to morality.’”<sup>153</sup> *Madamismo* was outlawed when Racial Laws instituted racial segregation in the colonies (and in Italy).<sup>154</sup>

#### POST-COLONIAL<sup>155</sup> COLLECTIVE AMNESIA

In Italy and the United States, post-colonialism can be characterized by collective amnesia, wherein the history of colonial violence and White supremacy is systemically forgotten, denied, or sanitized. The collective amnesia that characterizes post-colonialism is an example of systemic White ignorance. White ignorance is “an epistemic racialized attitude towards knowledge production and memory able to produce situated collective ideas of memory.”<sup>156</sup> It demonstrates the ways individual constructions of reality can be racialized.<sup>157</sup> The crux of global White ignorance “is the refusal to recognize how the legacy of the past, as well as ongoing practices in the present, continues to handicap people of color now granted juridical and social equality.”<sup>158</sup> Memory is “deeply embedded in power dynamics and issues of race, gender and class.”<sup>159</sup> White ignorance as post-colonial collective amnesia is an intentional racial erasure wherein alternative narratives about White violence and subordination are constructed and shared to minimize, sanitize, or deny prevailing White advantage.<sup>160</sup> It contributes to “White innocence about the role of racial

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152. Pesarini, *Shame*, *supra* note 49, at 198.

153. *Id.* at 199.

154. *Id.* at 203–04.

155. Here, I use the term post-colonial to refer to a historically fixed period wherein settler and franchise colonialism is no longer actively practiced. As I discuss below, colonial laws and practices continue to influence anti-Blackness and decolonization is an essential aspect of “Black Lives Matter” movements.

156. Pesarini & Panico, *supra* note 49, at 100 (drawing from Mill’s theory of white ignorance).

157. See Charles W. Mills, *Global white ignorance*, in *ROUTLEDGE INTERNATIONAL HANDBOOK OF IGNORANCE STUDIES* 217–18 (M. Gross & L. McGoey eds., 2015).

158. *Id.* at 219.

159. Pesarini & Panico, *supra* note 49, at 108 (citing Mills theory of counter-memory in Charles W. Mill, *White Ignorance*, in *RACE AND EPISTEMOLOGIES OF IGNORANCE* 11, 27 (Shannon Sullivan & Nancy Tuana eds., 2007).

160. See Mills, *supra* note 157, at 220.

exploitation in making the world what it is today . . . [including] national racial patterns of white-over-nonwhite privileging.”<sup>161</sup>

Colonial memory is invoked when convenient to bolster a particular national identity.<sup>162</sup> For example, in the United States, the “origin story provides a highly sanitized version of the violence employed against, and the exploitation of, Indigenous peoples, persons of African descent . . . but relegates these actions to a past for which no one is today responsible.”<sup>163</sup> And White Italians, in an effort to distinguish themselves from Nazi Germany, created the myths of the “good” Italian soldier and colonist. Under this myth, Italian soldiers were reluctant, naive invaders who were benevolent to native people during the Italian occupation of Africa.<sup>164</sup> The so-called *Italiani brava gente* (good Italian people) were the “underdogs of Europe who, thanks to their own national experience of large-scale emigration and history of being racialized as Mediterranean, had less of an innate capacity for racism.”<sup>165</sup> Collective amnesia persists despite State admissions of wrongdoing: the United States formally apologized for slavery in 2008<sup>166</sup> and the treatment of Indigenous peoples in 2009;<sup>167</sup> Italy acknowledged using chemical weapons in 1996<sup>168</sup> and apologized for the invasion of Eritrea in 1997.<sup>169</sup>

161. *Id.* at 220.

162. Alessandro Triulzi, *Displacing the Colonial Event: Hybrid Memories of Postcolonial Italy*, 8 INT'L J. POSTCOLONIAL STUD. 430, 433 (2006).

163. Saito, *Tales*, *supra* note 62, at 32.

164. Erin Blakemore, *Why Andrew Jackson's Legacy Is So Controversial*, HIST. (Aug. 29, 2018), <https://www.history.com/news/andrew-jackson-presidency-controversial-legacy>. Even progressive scholarship incorporates this narrative. See Sandra Ponzanesi & Goffredo Polizzi, *Does Italy Need Postcolonial Theory? Intersections in Italian Postcolonial Studies*, 3 EMG. LIT. 145, 154–55 (2016) (“Italian colonialism was the effect of an unplanned solution to internal economic issues. It was mainly southern Italians who escaped poverty and social unrest by enrolling in the military campaigns in Africa, unaware of what they were signing up for.”).

165. Hawthorne, *In Search of Black Italia*, *supra* note 2, at 155.

166. Danny Lewis, *Five Times the United States Officially Apologized*, SMITHSONIAN MAG. (May 27, 2016), <https://www.smithsonianmag.com/smart-news/five-times-united-states-officially-apologized-180959254/>.

167. Robert Longley, *U.S. Apology to Native Americans*, THOUGHT CO. (Dec. 4, 2020), <https://www.thoughtco.com/the-us-apologized-to-native-americans-3974561> (noting that the apology was buried in the language of H.R. 3326, a defense appropriations bill).

168. Ghiglione, *supra* note 143.

169. Ghion Hagos, *Ethiopia: Italy Says 1936 Invasion of Ethiopia was a Mistake*, ALL AFR. (Nov. 26, 1997), <https://allafrica.com/stories/199711260036.html>.

We see post-colonial collective amnesia in the ways historical connections between present-day anti-Black racism and colonialism are regarded, presenting two distinct memories: one that recognizes that White supremacy shaped colonialism and endures today and one that denies any correlation between then and now. The latter represents White ignorance. Thus, the ability to celebrate Indro Montanelli as a hero and express outrage at the defacement of his statue with red paint and the words “*razzista* (racist)” and “*stupratore* (rapist)” is a demonstration of post-colonial collective amnesia; Montanelli’s role in Italy’s invasion of Ethiopia and his sexual assault of a twelve-year-old Eritrean girl has been largely wiped from the collective memory of White people.<sup>170</sup> Likewise, the popular use of the phrase *ambaradan*, referring to a “messy situation,” displays ignorance or indifference about Italian colonial pursuits in Africa as the phrase stems from the Italian troops’ violence and genocide in Ethiopia in 1936.<sup>171</sup>

Post-colonial collective amnesia allows Italians to differentiate themselves from Europe and the United States. As discussed above, it allows them to view themselves as European underdogs who engaged in “gentle” colonialism. For example, despite earning the well-known nickname “the Butcher” for war crimes committed during Italy’s colonization of Africa, a monument was erected in 2012 to celebrate General Rodolfo Graziani.<sup>172</sup> The monument, which the town spent \$160,000 to erect, includes an Italian flag, the words “Honor” and “Homeland,” and a marble bust of Graziani.<sup>173</sup> In the context of solidarity protests that occurred during the summer of 2020, collective amnesia permits Italian exceptionalism wherein “everyday Italians and politicians . . . *deny* the existence of

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170. Pesarini & Panico, *supra* note 49, at 99–100.

171. Ghiglione, *supra* note 143.

172. Gaia Pianigiani, *Village’s Tribute Reignites a Debate About Italy’s Fascist Past*, N.Y. TIMES (Aug. 28, 2012), <https://www.nytimes.com/2012/08/29/world/europe/village-reignites-debate-over-italys-fascist-past.html?pagewanted=all>; *Rehabilitating Fascist War Criminals*, PRIMO LEVI CTR. (Mar. 26, 2012), <https://primolevicenter.org/printed-matter/rehabilitating-fascist-war-criminals/>.

173. Pianigiani, *supra* note 172. While the monument still stands, the mayor and two city officials were convicted and sentenced to six months in prison for the violating Italian law against fascist apologies in 2017. See *Mayor, Two Councillors Convicted for Apology of Fascism*, ANSA (Nov. 7, 2017, 17:08), [https://www.ansa.it/english/news/2017/11/07/mayor-two-councillors-convicted-for-apology-of-fascism-2\\_41f25d43-07d5-4b26-ad51-436e0662acf9.html](https://www.ansa.it/english/news/2017/11/07/mayor-two-councillors-convicted-for-apology-of-fascism-2_41f25d43-07d5-4b26-ad51-436e0662acf9.html).

racism” in Italy.<sup>174</sup> White Italians who insist that Italy is not a racist country are a product of an intentional “purging of the black Mediterranean from European history [in an effort to construct] Europe as a discrete, racially pure entity.”<sup>175</sup> Post-colonial collective amnesia allowed Italians who engaged in solidarity protests after George Floyd’s murder in the United States to view “[R]acism and racist violence . . . simply as things that happen out there in the United States, with its burdensome legacy of slavery.”<sup>176</sup> Thus, while recognizing anti-Black racism and state-sanctioned racist violence abroad, “selective and hegemonic historical memory”<sup>177</sup> permits White Italians to ignore the ways colonialism situated Black Italians as outsiders and Others.<sup>178</sup>

History—the way it is told and intentionally hidden—bolsters post-colonial collective amnesia in the United States. Efforts to disappear the violence, genocide, and chattel slavery of settler colonialism seem to be an integral aspect of the current political culture.<sup>179</sup> In 2020, then-President Donald Trump signed an Equity Gag Order which banned “federal agencies, contractors, and grant recipients from conducting trainings and programs that address systemic racism . . . .”<sup>180</sup> Through legislative bans, race has been excised from educational conversations about nationality and origin stories.<sup>181</sup> So-called “anti-woke” and “anti-CRT” movements are designed to intentionally shield generations from a colonial past that includes chattel slavery and White supremacy. Critical Race Theory—“a prism for understanding why racial inequalities are so enduring”<sup>182</sup>—has been labeled “divisive, dangerous, and un-

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174. Hawthorne, *In Search of Black Italia*, *supra* note 2, at 164.

175. *Id.*

176. *Id.*

177. See Pesarini, *Shame*, *supra* note 139, at 193–94.

178. See Marianna Griffini, *In Plain Sight: Black Lives Matter and Italy’s Colonial Past*, LSE (Aug. 25, 2020), <https://blogs.lse.ac.uk/lseih/2020/08/25/in-plain-sight-black-lives-matter-and-italys-colonial-past/>.

179. See Sow, *supra* note 80, at 25–26.

180. *Truth Be Told*, AFR AM. POLY F., <https://www.aapf.org/truthbetold> (last visited Oct. 30, 2023).

181. See Julia Carrie Wong, *The ACLU on Fighting Critical Race Theory Bans: It’s About Our Country Reckoning with Racism*, THE GUARDIAN (July 1, 2021, 6:00 AM), <https://www.theguardian.com/us-news/2021/jul/01/aclu-fights-state-bans-teaching-critical-race-theory> (“Bills seeking to limit the teaching of CRT have been introduced in 22 states in 2021.”).

182. Kimberlé Williams Crenshaw, *This Is Not a Drill: The War Against Antiracist Teaching in America*, 68 UCLA L. REV. 1702, 1710 n.13 (2022).

American.”<sup>183</sup> Teachers have been fired and courses canceled in an effort to disconnect present state and vigilante violence—the unlawful killings of George Floyd, Breonna Taylor, and Ahmaud Arbery—from a history that includes the origin of anti-Black racism in settler colonialism.

In the United States and Italy, anti-Black colonial laws and practices established Whiteness as civil, moral, and powerful. Post-colonial collective amnesia aids in the perpetuation of anti-Blackness by denying, minimizing, or sanitizing the racial violence of franchise and settler colonialism. In the following section, I explore legal and social anti-Blackness in Italy and in the United States by examining laws that defined a relationship between African blood and legal citizenship.

#### ANTI-BLACKNESS: BLOOD AND LEGAL CITIZENSHIP

*“[R]acism may wear a new dress, buy a new pair of boots, but neither it nor its succubus twin fascism is new or can make anything new. It can only reproduce the environment that supports its own health: fear, denial, and an atmosphere in which its victims have lost the will to fight.”*

-Toni Morrison<sup>184</sup>

Though blood cannot determine race or ethnicity, blood was used to racially categorize people for the purpose of determining legal citizenship and a way to characterize race as biological. Though operating under different legal systems, Italy and the United States connected blood to race and cemented anti-Black sentiments in law to deny citizenship to people of African descent. By considering “national citizenship in relation to dynamics of inclusion, exclusion, and differentiation”<sup>185</sup> based on race, this section takes a critical approach to legal citizenship.

First, this section demonstrates how blood was used to legally characterize people of African descent as property. Despite changes in the law over time, this colonial characterization is directly related to anti-Blackness and

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183. *Id.* at 1713–14.

184. Toni Morrison, *Racism and Fascism*, 64 J. NEGRO EDUC. 384, 385 (1995).

185. HAWTHORNE, CONTESTING RACE AND CITIZENSHIP, *supra* note 2, at 6.

entrenched White supremacy. Next, I outline the relationship between Italian blood, race, and legal citizenship. Here, I primarily focus on how racialized notions of Italian citizenship, which began in the colonial era, continue to affect people of African descent who are born and raised in Italy.

#### BLACK CITIZENSHIP IN THE UNITED STATES

Racialized notions of Black citizenship are connected to settler colonialism and chattel slavery.<sup>186</sup> The first use of blood rationales for defining race as biological came when colonies were forced to address the legal status of biracial children born to White fathers and Black mothers.<sup>187</sup> Eleven years after the first Africans were sold to colonists, judicial opinions and personal accounts detailed punishments for White men who engaged in sexual relationships with “negro” and “mulatto” women.<sup>188</sup> In 1630, a White male colonist was punished “for abusing himself to the dishonor of God and shame of Christianity by defiling his body in lying with a negro.”<sup>189</sup> The first law banning interracial relationships was enacted in 1664.<sup>190</sup> The first case to articulate a “one drop rule” was *In Re Mulatto*, a 1656 Virginia case which determined the legal status of mulattoes as slaves.<sup>191</sup> This was true regardless of whether a biracial child had a White mother or a White father.<sup>192</sup> Throughout the colonies, legislation connected blood and the legal determination of race: in Virginia, it was “one-eighth Black,” and in North Carolina, it was “one-sixteenth Black.”<sup>193</sup> This determination supported the economic viability of the colonies and the early United States.<sup>194</sup>

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186. See Desi Rodriguez-Lonebear, *The Blook Line: Racialized Boundary Making and Citizenship Among Native Nations*, 7 SOCIO. RACE & ETHNICITY 527, 528 (2021) (focusing mostly on the relationship between Native blood as a biological justification of race and citizenship); Daniel J. Sharfstein, *Crossing the Color Line: Racial Migration and the One-Drop Rule, 1600-1860*, 91 MINN. L. REV. 592, 610 (2007) (noting that settlers “had direct contact with societies that regulated race in terms of drops of blood.”).

187. Hickman, *supra* note 70, at 1172–73.

188. *Id.*

189. *Id.* at 1173.

190. *Id.*

191. *Id.* at 1174.

192. *Id.* at 1177–78.

193. *Id.* at 1178; see also HANEY-LOPEZ, *supra* note 69, at 118–19.

194. Hickman, *supra* note 70, at 1176 (noting that the legal determination that mulatto children were Black slaves relieved White fathers of any obligation

In the colonies and early United States, “blood” made Black people property, not citizens, and early statutes preserved citizenship for White people. Slave codes cemented the legal status of people of African descent. For example, a 1705 Virginia law declared that “All servants imported and brought into the Country . . . who were not Christians in their native Country . . . shall be accounted and be slaves. All Negro, mulatto and Indian slaves within this dominion . . . shall be held to be real estate.”<sup>195</sup> “The Immigration and Naturalization Act of 1790, the country’s first immigration and naturalization law, limited citizenship to free whites.”<sup>196</sup> This law “helped to entrench white supremacy by feeding the unconscious sense of white entitlement with respect to citizenship”<sup>197</sup> and clearly defined non-White people as Others. In 1857, the Supreme Court held that Dred Scott, “a negro of African descent, whose ancestors were of pure African blood, and who were brought into this country and sold as slaves,”<sup>198</sup> was not a citizen as the Constitution envisioned citizenship for the White race because Black people (free and enslaved) were “a subordinate and inferior class of beings.”<sup>199</sup> The Civil Rights Act of 1866 declared:

That all persons born in the United States . . . are hereby declared to be citizens . . . and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude . . . shall have the same right[s] . . . as is enjoyed by white citizens . . . .<sup>200</sup>

Yet, in *Plessy v. Ferguson* (1896), the United States Supreme Court returned to blood as a justification for the denial of equal rights to Black people.<sup>201</sup>

Enacted in 1868, the Fourteenth Amendment purportedly

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to care for them and benefited slaveholders).

195. *Virginia’s Slave Codes*, PBS, <https://www.pbs.org/wgbh/aia/part1/1p268.html>; *Racial Oppression is Law*, THIRTEEN, <https://www.thirteen.org/wnet/slavery/timeline/1705.html>.

196. Erika K. Wilson, *The Legal Foundations of White Supremacy*, 11 DEPAUL J. FOR SOC. JUST. 1, 8 (2018).

197. *Id.* at 9.

198. *Dred Scott v. Sanford*, 60 U.S. (19 How.) 393, 400–07 (1857).

199. HANEY-LOPEZ, *supra* note 69, at 40 (citing *Dred Scott*, 60 U.S. (19 How.) at 404–05).

200. 42 U.S.C. § 1981 (amended 1991).

201. Daniel J. Sharfstein, *The Secret History of Race in the United States*, 112 YALE L. J. 1473, 1478–79 (2003).



granted citizenship to most people born in the United States: “All persons born or naturalized in the United States . . . are citizens of the United States and of the State wherein they reside.”<sup>202</sup> Although the Fourteenth Amendment codified the principle of *jus soli* in the United States, citizenship rights were not immediately granted to Black people.<sup>203</sup> And despite notable gains during the classic Civil Rights movements of the 1960s, Black people continue to fight for citizenship (and basic human) rights.<sup>204</sup> As extensions of the colonial logic of White supremacy, colorblind liberal individualism and the persistent insistence that the United States is post-racial perpetuate anti-Blackness in ways that necessitate a continued fight for citizenship rights.<sup>205</sup>

#### BLACK CITIZENSHIP IN ITALY

Racialized notions of Italian citizenship existed before and after fascism. In the African colonies, children of Italian men and African women threatened ideas about national identity and citizenship that were crucial to the functioning colonial system.<sup>206</sup> Thus, Italy started to implement “laws and decrees based on the stratification and quantification of blood and colour . . . .”<sup>207</sup> Though not implemented, the 1909 *Codice Civile per la Colonia Eritrea* governed citizenship determinations in practice and granted citizenship to children of Italian men and Eritrean women “if their physical features showed the presence of Italian blood.”<sup>208</sup>

In 1912, *jus sanguinis* was codified by Law No. 55.<sup>209</sup> Under fascist law, Italian men could confer Italian citizenship to

202. U.S. CONST. amend. XIV, § 2.

203. HANEY-LOPEZ, *supra* note 69, at 39 (“Birthright citizenship, the automatic acquisition of citizenship by virtue of birth, was tied to race until 1940.”).

204. Leah Wright Riguer & Anna Beshlian, *The History and Progress of Black Citizenship*, 16 DU BOIS REV. 267, 268 (2019) (noting that “surface-level markers of progress and the absence of explicit racial violence” obscure the fact that Black people continue to face barriers and challenges to full citizenship and equality under the law); ALEX ZAMALIN, ANTIRACISM: AN INTRODUCTION 103–17 (2019) (discussing “radical” Black movements and resulting White backlash).

205. Wilson, *supra* note 196, at 11–12.

206. Pesarini, *Blood*, *supra* note 93.

207. *Id.*

208. *Id.*

209. HAWTHORNE, *CONTESTING RACE AND CITIZENSHIP*, *supra* note 2, at 35.

biracial children by recognition of parenthood.<sup>210</sup> However, unrecognized children were subject to physical examinations to determine citizenship, including physical examinations that demonstrated blood purity and cranial measurements.<sup>211</sup> They could also obtain citizenship by demonstrating cultural aspects of Italian identity, like education, religion, and morality.<sup>212</sup>

Following the 1938 publication of the *Manifesto della razza* (“Race Manifesto”), the definitive text that characterized race as biological and explicitly connected racism and fascism, laws that permitted citizenship to biracial children were repealed.<sup>213</sup> The Race Manifesto “claimed that the purity of Italians’ blood had remained unchanged through the centuries owing to a lack of external contamination.”<sup>214</sup> It connected the so-called purity to Italian blood, whiteness, and legal citizenship.<sup>215</sup> This view was cemented in anti-Black Italian citizenship laws under Mussolini. Like the “one drop rule” in the United States, the *legge sul meticciato*—legal norms promulgated in 1940 to deny citizenship to people of African descent—defined biracial children as “pure Africans” and made it illegal for an Italian parent to recognize a biracial child.<sup>216</sup>

While the Italian Constitution proscribed discrimination based on race, the ideology of colonial racism undergirded efforts to deny citizenship to former colonial subjects living in Italy after World War II.<sup>217</sup> As explained above, “colonialism . . . was an effective tool for convincing . . . Italians to feel superior to other peoples, particularly non-white and African populations.”<sup>218</sup> The anti-Black racism of fascism did not disappear, but instead, it was embedded “within the seemingly race-neutral apparatus of national citizenship.”<sup>219</sup> Black Italians, those born in Italy and

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210. Pesarini, Blood, *supra* note 93.

211. *Id.*; De Donno, *supra* note 93, at 401.

212. Pesarini, Blood, *supra* note 93.

213. *Id.*

214. *Id.*

215. *Id.*

216. *Id.*

217. See Valeria Deplano, *Within and outside the nation: former colonial subjects in post-war Italy*, 23 MOD. IT. 395, 395–96 (2018) (discussing the racialized barriers to legal citizenship and the citizenship challenges people from former colonies, including soldiers, living in Italy after World War II faced).

218. *Id.* at 396.

219. *Id.*; see also HAWTHORNE, CONTESTING RACE AND CITIZENSHIP, *supra* note 2, at 29–30 (“[N]ormative understandings of Italianness and Italian citizenship were shot through with unspoken ideas about race and the racial

those who immigrated from Africa, were “citizens-in-waiting” who experienced racial violence and othering under citizenship laws that relied on assimilation and cultural belonging.<sup>220</sup> For example, while the stated goal of the 1990 Law no. 39 was to “stabilize and assimilate”<sup>221</sup> the Italian immigrant population, Black Italians experienced the law as a “legal mechanism to dehumanize and hyper-regulate not only . . . the migrant . . . populations, but the more general population of non-white people in Italy, with or without legal citizenship.”<sup>222</sup> Following racist colonial logic, citizenship laws codified Italian cultural values to the exclusion of Black Italians, a continuation of colonial dispossession and displacement.<sup>223</sup>

The repeal of laws denying citizenship to African people in 1952 did not imply or grant citizenship rights.<sup>224</sup> First-generation immigrants face extremely difficult citizenship acquisition processes, and children born to noncitizens are not granted citizenship at birth.<sup>225</sup> Under a 1992 law,<sup>226</sup> people of African descent living in Italy can request citizenship if they meet one of two criteria: apply during a one-year window from age 18 to 19 or apply after a decade of residency if they can demonstrate an annual income of 8,500 euros for a consecutive three years.<sup>227</sup> The law requires people born in Italy who are not White to obtain citizenship;<sup>228</sup> it presumes (and culture

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characteristics of ‘true’ Italians.”).

220. SA Smythe, *Black Italianita: Citizenship and Belonging in the Black Mediterranean*, 9 CAL. IT. STUD. 1, 4–6 (2019).

221. *Id.* at 1.

222. *Id.* at 6.

223. *Id.*

224. Pesarini, Blood, *supra* note 93, at 18.

225. HAWTHORNE, CONTESTING RACE AND CITIZENSHIP, *supra* note 2, at 33 (noting that Italy signed but never ratified the 1997 European Convention on Nationality which encouraged birthright citizenship).

226. *Id.* (noting Law. No. 91 “specifies that the children of immigrants automatically inherit the nationality of their parents at birth.”).

227. Isabella Clough Marinaro & James Walston, *Italy’s “Second Generation”: The Sons and Daughters of Migrants*, 2 BULL. OF IT. POL. 5, 8 (2010); AFP, *In Italy, legal migrants renew fight to be true citizens*, GLOB. TIMES (Aug. 25, 2020, 18:53:40), <https://www.globaltimes.cn/content/1198822.shtml>; HAWTHORNE, CONTESTING RACE AND CITIZENSHIP, *supra* note 2, at 33 (noting that continuous residence requirements may be challenging to demonstrate if children are not registered at birth).

228. HAWTHORNE, CONTESTING RACE AND CITIZENSHIP, *supra* note 2, at 30 (“If white Italians were not forced to endure tests of cultural authenticity in order to be recognized as full citizens, then why should this be required (informally or otherwise) of the children of immigrants who had grown up in Italy?”).

perpetuates the notion)<sup>229</sup> that people of African descent are not Italians.<sup>230</sup> As recent as 2002, Italian citizenship laws perpetuated anti-Blackness. The Bossi-Fini law increased regulation of immigrants and encouraged racial profiling (creating opportunity for Italian police to demand fingerprint cards as proof of belonging).<sup>231</sup> In 2018, the Council of Ministers unanimously approved the Salvini decree, which modified immigration law.<sup>232</sup> Along with anti-immigrant rhetoric that is disconnected from colonialism and its aftermath,<sup>233</sup> this law led to acts of violence against Black people in Italy who were presumed not citizens because of the color of their skin.<sup>234</sup> They were overturned in 2020.<sup>235</sup> Inspired by the Black Lives Matter movements of 2020, Black Italian children and grandchildren of African immigrants are reviving the fight for *jus soli* (birthright) citizenship.<sup>236</sup> In 2021, Eritrean descendants of people born to

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229. See Barbara Ofosu-Somuah & Candice Whitney, *Translating Italy. Translating Blackness*, PUB. BOOKS (Dec. 10, 2020), <https://www.publicbooks.org/translating-italy-translating-blackness/>, 1, 1 (“I’ve lived in Italy my whole life . . . [a]nd, yet, people call me *straniera*—a foreigner, a stranger.”).

230. Marinaro & Walston, *supra* note 227, at 14; HAWTHORNE, *CONTESTING RACE AND CITIZENSHIP*, *supra* note 2, at 15. (“I was born and raised here. Why don’t they consider me to be Italian? Why do I have to go through this whole hassle with citizenship.”).

231. Smythe, *supra* note 220, at 7 (“[W]here the government has chosen to phenotypically identify and implicate ‘the racialized Other’ without due process” there is fear among citizens and non-citizens who, because of their race, do not look like Italian citizens.); Marinaro & Walston, *supra* note 227, at 8 (noting that the Bossi-Fini law could result in deportation of second-generation immigrants who have only ever lived in Italy).

232. Annalisa Camilli, *What does the Salvini decree on immigration and security provide?*, INTERNAZIONALE (Sept. 24, 2018), [https://www.internazionale-it.translate.google.com/bloc-notes/annalisa-camilli/2018/09/24/decreto-salvini-immigrazione-e-sicurezza?\\_x\\_tr\\_sl=it&\\_x\\_tr\\_tl=en&\\_x\\_tr\\_hl=en&\\_x\\_tr\\_pto=sc](https://www.internazionale-it.translate.google.com/bloc-notes/annalisa-camilli/2018/09/24/decreto-salvini-immigrazione-e-sicurezza?_x_tr_sl=it&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc); Rebecca Ann Hughes, *Italy Eases Immigration Laws Overhauling Right-Wing Salvini Decrees*, FORBES (Oct. 6, 2020, 11:28 am), <https://www.forbes.com/sites/rebeccahughes/2020/10/06/italy-eases-immigration-laws-overhauling-right-wing-salvini-decrees/?sh=7643a8c74a94>, 1, 2 (noting Salvini characterized the laws he proposed as those which put “Italians first.”).

233. Smythe, *supra* note 220, at 4–6.

234. See *id.* at 11. (“Where people of African descent are concerned, Italy has often cast them as perpetual ‘newcomers,’ a false belief still present at the nation’s core.”).

235. Hughes, *supra* note 232.

236. AFP, *supra* note 227; Emma Wallis, “I am Italian too”: How #BlackLivesMatter protests reignited the Italian citizenship debate, INFO MIGRANTS (June 10, 2020), <https://www.infomigrants.net/en/post/25300/i-am->

Italian fathers and Eritrean mothers during the colonial era urged the Italian government to address colonial racism and grant Italian citizenship.<sup>237</sup>

Because Italian law relies on lineage (*jus sanguinis*) to determine citizenship,<sup>238</sup> Black Italians are broadly perceived as “illegitimate non-European bodies who constitute a threat to national integrity and economic prosperity.”<sup>239</sup> They are commonly believed to be a “drain on scarce state resources.”<sup>240</sup> But, “as a new form of colonial extraction,” there may be a capitalist motive for extending citizenship to Black female entrepreneurs who are currently being celebrated as “a constituency that could potentially save or revitalize a stagnant Italy.”<sup>241</sup> Black activists recognize the ways citizenship is a racial proxy for humanity and Italy and are contesting Italy’s restrictive citizenship laws, which affect approximately 900,000 children born and raised in Italy.<sup>242</sup> In addition to blatant messages of inferiority, a lack of legal citizenship is an employment, civic engagement, education, and travel barrier for second-generation Italians.<sup>243</sup> Though these young activists recognize that citizenship is a “legal contract between the state and the individual that produces access to formal rights,” they recognize that it is only one aspect of the fight against anti-Black racism.<sup>244</sup>

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italian-too-how-blacklivesmatter-protests-reignited-the-italian-citizenship-debate.

237. Angela Giuffrida, *Eritreans of Italian descent demand Rome finally grant them citizenship*, THE GUARDIAN (Oct. 13, 2021 10:43 EDT), <https://www.theguardian.com/world/2021/oct/13/eritreans-italian-descent-demand-citizenship-italy-eritrea>.

238. Ngofeen Mputubwele, *Black Italians Fight to Be Italians*, THE NEW YORKER RADIO HOUR (July 24, 2020), <https://www.wnycstudios.org/podcasts/tnyradiohour/segments/black-italians-fight-be-italia>. (discussing the lived experiences of Black Italians and Black Italian citizenship and distinguishing between *jus soli*—citizenship by blood—and *jus sanguinis*, citizenship through lineage).

239. Camilla Hawthorne, *Making Italy: Afro-Italian Entrepreneurs and the Racial Boundaries of Citizenship*, 22 SOC. & CULTURAL GEOGRAPHY 704, 717 (2021) (internal marks omitted).

240. *Id.* at 709.

241. *Id.* at 717.

242. HAWTHORNE, *CONTESTING RACE AND CITIZENSHIP*, *supra* note 2, at 7.

243. *Id.* at 28.

244. *Id.* at 5.

## CONTEXTUALIZING THE TRIGGERING EVENT

*“[T]hose of us who are . . . Black . . . know that **survival is not an academic skill**. It is learning how to take our differences and make them strengths. **For the master’s tools will never dismantle the master’s house**. They may allow us temporarily to beat him at his own game, but they will never bring about genuine change.”*

-Audre Lorde<sup>245</sup>

In 2020, “Black Lives Matter” was a unifying rally cry in movements that demanded racial justice in the United States and Italy. But while there are similarities in the origins of legal and social anti-Blackness, there are important differences in the Black experience in both countries. These differences are relevant to the future of activism spurred by triggering events.

After a brief synopsis of the origins of Black Lives Matter in the United States, I analyze the resonance of the triggering event—George Floyd’s murder and subsequent protests in the United States—in Italy. Next, relying on the voices of Black Italians, I highlight criticisms of solidarity protest, which demonstrate the necessity of contextualization. Here, Black Italian scholars and activists acknowledge key differences in the Italian movement for Black lives.

## BLACK LIVES MATTER

Almost a decade ago, #BlackLivesMatter first appeared on social media, and the phrase quickly became a unifying tool for racial justice activism online and in the streets. On July 13, 2013, Patrice Marie Cullors-Brignac wrote #BlackLivesMatter in response to Alicia Garza’s post: “black people. I love you. I love us. Our lives matter.”<sup>246</sup> The acquittal of George Zimmerman in the shooting death of unarmed teenager Trayvon Martin was the

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245. Audre Lorde, *The Master’s Tools Will Never Dismantle the Master’s House*, in *SISTER OUTSIDER: ESSAYS AND SPEECHES* 110, 112 (2007).

246. *8 Years Strong*, BLACK LIVES MATTER (July 13, 2021), <https://blacklivesmatter.com/8-years-strong/>; see also DEVA R. WOODLY, *RECKONING: BLACK LIVES MATTER AND THE DEMOCRATIC NECESSITY OF SOCIAL MOVEMENTS* 216 (2021) (“[T]his movement is not built on a plea. The speech act declaring #BlackLivesMatter is an encouragement and a demand.”).

impetus for the online conversation.<sup>247</sup> The rallying cry “Black Lives Matter” gained national traction during the 2014 demonstrations in Ferguson, Missouri, that followed the shooting death of Trayvon Martin, an unarmed Black teenager killed by the police.<sup>248</sup> In response to grassroots activism around #BlackLivesMatter, Patrisse Cullors, Alicia Garza, and Opal Tometi founded a decentralized network under the same name.<sup>249</sup>

#### RESONANCE OF THE TRIGGERING EVENT

Transnational movements are often spurred by a “triggering event” that contributes “to feelings of empowerment and emerging innovations through intense networking in quickly multiplying protest sites.”<sup>250</sup> Early activism mostly mimics that of the triggering event, while later activism is “more prone to cultural critique . . . and may opt for locally more resonant versions.”<sup>251</sup> Studies of cross-national diffusion—the ways collective action spreads—focus on the conditions that cause activism to spread, the channels through which it spreads, and the consequences of it spreading.<sup>252</sup> Here, I examine how the COVID-19 pandemic created a condition that caused Black Lives Matter activism, as well as its consequences, to spread from the United States to Italy.

This triggering event resonated with people in the United States in an unprecedented way. Between 25 and 30 million people demanded that “Black Lives Matter” at demonstrations around the country.<sup>253</sup> The mass uprisings were likely unforeseen by the sentiment originator since, as recent as 2015, the phrase was contentious.<sup>254</sup> But “the first pandemic in one hundred years” captured the attention of the population, many of whom “were working from home . . . [which provided] a space for both attention and action that is normally unavailable amid

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247. 8 Years Strong, *supra* note 246.

248. *See id.*

249. HERSTORY, BLACK LIVES MATTER, <https://blacklivesmatter.com/herstory/>.

250. Della Porta et al., *supra* note 23, at 702.

251. *Id.* at 703.

252. *See id.* at 701.

253. WOODLY, *supra* note 246, at 214.

254. *See id.* at 213 (“Less than a decade ago, the pull of ‘colorblindness’ and ‘tolerance’ as dominant ideologies made the slogan centering the suffering of Black people seem gauche, even offensive.”).

the demands of the regular political economy, which dictates that most of our attention is focused on waged work.”<sup>255</sup>

The pandemic is likely a factor in the resonance of the triggering event in Italy. In addition to Italians “being locked inside during the pandemic,” the media seemed to become acutely aware of social injustices, including racial injustice, during this time.<sup>256</sup> But, like the United States, Italy had been increasingly experiencing a rise in political leadership from the Northern League, a radical, nationalist, neo-conservative party.<sup>257</sup> The party leader and former interior minister, Matteo Salvini, advocated against social and civil rights.<sup>258</sup> Specifically, the so-called Salvini decrees targeted migrants and Black Italians.<sup>259</sup> The triggering event resonated because, since 2017, Italians have been mobilizing “to resist the attack on consolidated democratic values by Salvini’s League.”<sup>260</sup>

In fact, the summer of 2020 was not the first time Italian activists coalesced around #BlackLivesMatter. On July 5, 2016, Emmanuel Chidi Nnamdi was brutally beaten to death after he attempted to defend his wife from insults, including *scimmia Africana* (African monkey), from two White Italian men.<sup>261</sup> In response, the July 5 Committee was formed to combat racism, discrimination, and dehumanization.<sup>262</sup> On the one-year anniversary of Nnamdi’s brutal beating, the July 5 Committee and others marched to *Fermi Contro Razzismo* (end racism) holding signs that said: “Protect people, not borders.”<sup>263</sup>

255. *Id.* at 212.

256. Della Porta et al., *supra* note 23, at 705; *but see* Camilla Hawthorne, *Black Mediterranean geographies: translation and the mattering of Black Life in Italy*, GENDER, PLACE, AND CULTURE 1, 16 (2022) [hereinafter Hawthorne, *Black Mediterranean*] (“[C]ontrary to dominant media narratives at the time, this was not actually the first instance in which Black Lives Matter had ‘gone global.’”).

257. Della Porta et al., *supra* note 23.

258. *Id.*

259. *Id.* at 705–06.

260. *Id.* at 705.

261. Camilla Hawthorne & Pina Piccolo, *Anti-racism without race*, AFR. IS A CNTY. (Sept. 15, 2016), <https://africasacountry.com/2016/09/anti-racism-without-race-in-italy/>.

262. *See* Marco Squarcia, *Fermo: the July 5 committee parades against racism and discrimination*, VIVERE FERMO (Mar. 7, 2019), [https://www.viverefermo-it.translate.google.com/2019/07/04/fermo-il-comitato-5-luglio-sfila-contro-il-razzismo-e-le-discriminazioni/737190/?\\_x\\_tr\\_sl=it&\\_x\\_tr\\_tl=en&\\_x\\_tr\\_hl=en&\\_x\\_tr\\_pto=sc](https://www.viverefermo-it.translate.google.com/2019/07/04/fermo-il-comitato-5-luglio-sfila-contro-il-razzismo-e-le-discriminazioni/737190/?_x_tr_sl=it&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc) (automatically translated from the original Italian by Google Translate).

263. Cronache Fermene, *Fermo - 5 luglio. Marcia in ricordo di Emmanuel*



The pandemic and building movements against racial intolerance and hostility created an environment ripe for mass activism in Italy inspired by the triggering event.<sup>264</sup> In the summer of 2020, more than 50,000 Italians attended the 152 Black Lives Matter protests held in major cities and small towns.<sup>265</sup> Many mimicked protest activities in the United States: eight minutes and 46 seconds of silence, black clothing, and raised fists.<sup>266</sup> Signs in English were similar to the ones at demonstrations in the United States: No Justice, No Peace; Black Lives Matter; I Can't Breathe; Say Their Name.<sup>267</sup> Some signs included the "names of victims of racist violence in Italy."<sup>268</sup>

A study of Black Lives Matter chapters established in Italy in 2020, antiracist groups established in 2020 under other names, antiracist groups that existed before 2020 but were newly mobilized because of mass protests, and individual activists revealed three reasons Black Lives Matter protests resonated in Italy. First, there was a backlash to decades of actions that sought to limit civil and social rights affecting migrants and Black Italians.<sup>269</sup> Second, antiracists began to bring attention to the ways "racialization is deliberately employed by institutional actors . . ."<sup>270</sup> Finally, and potentially most importantly, Black Italians began to note the hypocrisy of White Italians who mobilized for George Floyd but failed to recognize anti-Black racism in Italy.<sup>271</sup> The latter is an example of cultural critique, which results in a more locally relevant movement that is focused on lived experiences with anti-Black racism.

#### CRITICISM AND CONTEXTUALIZATION

While there was solidarity around a slogan, Black Lives Matter activism in Italy highlighted the challenges associated

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*Chidi Nnamdi*, YOUTUBE (July 5, 2017), <https://www.youtube.com/watch?v=wQKfq2e37nU>.

264. See Della Porta et al., *supra* note 23, at 708.

265. *Id.* at 710–11.

266. *Id.* at 711.

267. *See id.*

268. *Id.* at 711.

269. *Id.* at 705.

270. *Id.* at 706.

271. *See id.* at 712.

with the “model of autonomous black political action represented by #BlackLivesMatter.”<sup>272</sup> Activists and scholars have been vocal about key diasporic differences in the anti-Black experiences of Black Italians and Black people in the United States.<sup>273</sup> On these differences, a Ghanaian-Italian medical student said, “They are different waters, but at the end of the day, we are all drowning in the same sea.”<sup>274</sup> Here, I examine two critiques: the “conflation of immigration and racism”<sup>275</sup> and the “externalization of racism to non-Italians.”<sup>276</sup>

In Italy, antiracist movements have been historically challenged by broad repudiations of race because race is commonly associated with its fascist past<sup>277</sup> and considered an external problem. As a Black activist noted, “Italy knows that it does not have [its] hands clean . . . . [I]t has been shocking to see how all of a sudden so many people, especially white people, were interested in the killing of a black person in the United States, without ever thinking similar events happen in Italy as well.”<sup>278</sup> Allies who consider racism an “intellectually lazy” rationale for anti-Black violence rely on a theory of racism which was discredited with the rejection of scientific racism in post-war Europe.<sup>279</sup> But this framing does not account for the meaning, both legal and social, that was intentionally made of race to justify colonialism: “Just because race is a biological fiction does not mean that it doesn’t continue to shape people’s lives in profound ways as social reality and axis of domination.”<sup>280</sup> Thus, anti-racism projects that seek to eliminate the term “race” instead of focusing on “the destruction of historically-sedimented structures of power underlying the creation of racial categories through which groups are differentially subjected”<sup>281</sup> do nothing to recognize Black humanity or challenge the perpetuation of persistent anti-Black violence.

Ignoring the racism of colonialism, antiracist conversations

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272. Hawthorne, In Search of Black Italia, *supra* note 2, at 156.

273. *Id.* at 156-57.

274. *Id.* at 158.

275. Della Porta et al., *supra* note 23, at 706.

276. *Id.* at 706.

277. *Id.* at 701.

278. *Id.* at 712.

279. *Id.*

280. Hawthorne & Piccolo, *supra* note 261; *Id.* at 715 (“We must also act on contextualizing in the sense of Italians are not ‘good people’ (*brave gente*); there is always this thing of racism that has been overcome after colonialism.”).

281. *Id.* at 715.

are often “concerned with migrant rights from a culturalist perspective.”<sup>282</sup> When racism is conflated with immigration in movements mostly led by White activists, the ways Italy practices racism are ignored.<sup>283</sup> Writing on antiracism in the aftermath of the deadly beating of Emmanuel Chidi Nnamdi, Hawthorne, and Piccolo note the challenges of Italian movements which, in the tradition of collective amnesia that defines race as a thing of the past, fail to acknowledge race and instead scapegoats with terms like “xenophobia.”<sup>284</sup> The Black Mediterranean Collective notes that “contemporary forms of violence against Black migrants and refugees belong to the duration of racial subjection in Southern Europe.”<sup>285</sup> Even when White activists have good intentions, regarding Salvini’s anti-migrant rhetoric and policies as a “democratic emergency,” essentially “overlook[s] historical implications of Whiteness in connection with race, national identity, and the repercussions of such ideas on racialised subjects.”<sup>286</sup>

Contextualization occurs when Black people have increased visibility and influence in “progressive social movement organizations”<sup>287</sup> traditionally led by White people. Black voices can challenge White cognitive dissonance and inconsistencies between stated beliefs and actions.<sup>288</sup> When Black people’s lived experience with anti-Black racism and violence are at the forefront of activism, problems with colorblindness and White privilege within progressive movements become evident.<sup>289</sup> The post-colonial collective amnesia that forms the basis for cognitive dissonance when White activists deny systemic anti-Blackness in Italy can be challenged.<sup>290</sup> A rejection of race and White privilege serves as a barrier to dismantling institutional anti-Black racism.<sup>291</sup> Thus, challenging cognitive dissonance is

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282. *Id.* at 701.

283. *Id.* at 706–07.

284. Hawthorne & Piccolo, *supra* note 261.

285. Cristina Lombardi-Diop, *Preface*, in *THE BLACK MEDITERRANEAN: BODIES, BORDERS AND CITIZENSHIP* 3 (The Black Mediterranean Collective eds., 2021).

286. Pesarini, *When*, *supra* note 95, at 32–34.

287. Della Porta et al., *supra* note 23, at 716.

288. *See id.* at 716 (“[Y]ou need to listen to us, we are the injured party in this cause.”).

289. *See id.* at 716 (“[Y]ou need to listen to us, we are the injured party in this cause.”).

290. *See* Merrill, *supra* note 52, at 7.

291. Camilla Hawthorne & Angelica Pesarini, *Making Black Lives Matter in Italy*, PUB. BOOKS (Dec. 11, 2020), <https://www.publicbooks.org/making-black->

important as “it will take more than presence, persistence, and . . . racial literacy to displace fundamental anti-black ontology . . . .”<sup>292</sup>

Further, contextualization of Black Lives Matter requires ownership of the ways Italy practices racism. First, this work involves diasporic translation projects that seek to “build a basic grammar of Italian Blackness.”<sup>293</sup> Second, this work involves “articulating Black Italy to a wider Black diaspora in which they are not reduced to the status of mere junior partners.”<sup>294</sup> When context is understood, Black Lives Matter can be a “diasporic resource” for Black people in Italy.<sup>295</sup> Black Lives Matter is a diasporic resource when Black Lives Matter conversations recognize similarities *and* differences in the histories of anti-Blackness. For example, this happens when activists work together to combat colonial White supremacy by removing Confederate monuments in the United States or colonists’ statutes in Italy.<sup>296</sup> It also happens when Black Lives Matter diasporic activism mobilizes for abolition—of the prison industrial complex in the United States and of Frontex in Europe.<sup>297</sup>

## CONCLUSION: CONTEXT MATTERS

*“Decolonization . . . is a historical process: . . . it can only be understood, it can only find significance and become coherent insofar as we can discern the history-making movement which gives it form and substance . . . .”*

-Franz Fanon<sup>298</sup>

While there is “sweet solidarity in blackness,”<sup>299</sup> context is

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lives-matter-in-italy-a-transnational-dialogue/ (“[A] small, invisibilized Black population . . . and a white population that stubbornly sees itself as progressive and antiracist while simultaneously being complicit in the reproduction of all sorts of everyday and structural racisms.”).

292. Merrill, *supra* note 52, at 104.

293. Hawthorne, *Black Mediterranean*, *supra* note 256, at 15.

294. *Id.* at 15–16 (internal marks omitted).

295. *See id.* at 16.

296. *Id.* at 17.

297. *Id.* (stating that Frontex is the European Border Agency).

298. FRANZ FANON, *THE WRETCHED EARTH 2* (Richard Philcox trans., Grove Press 2004).

299. *Id.* at 67.

important to geographically disparate Black Lives Matter activism. A paradox, Afro-pessimism is the lens through which I imagine a future without anti-Blackness.<sup>300</sup> On the one hand, Afro-Pessimism “sketches a structural map of human experience . . . [where] Black people are integral to human society but at all times and in all places excluded from it.”<sup>301</sup> The source of this exclusion is not solely the result of laws designed to exclude but also the result of a society that does not regard Black people as human.<sup>302</sup> In fact, legal declarations of Black humanity resulted in more exercises of power over individual Black bodies and the Black body politic.<sup>303</sup> Thus, Blackness equates to social death, and there is “no narrative of redemption” for the state of suffering in which Black people exist.<sup>304</sup>

But understanding colonialism and its enduring contribution to lived experiences with anti-Blackness is vital to Black Lives Matter activism in the United States and such activism that resonates abroad. “Black Lives Matter” originated when the United States legal system once again declined to hold a vigilante accountable for anti-Black violence, signaling that Blackness is social death. While “Black Lives Matter” is a sentiment that resonates across the diaspora as a unifying demand, activism must be contextualized. We cannot decolonize—through abolition in the United States or citizenship in Italy—without understanding the legal and social factors that

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300. See BELL HOOKS, *TEACHING TO TRANSGRESS* 61 (1994).

301. Vinson Cunningham, *The Argument of “Afropessimism,”* THE NEW YORKER (July 13, 2020), <https://www.newyorker.com/magazine/2020/07/20/the-argument-of-afropessimism>.

302. See Ta-Nehisi Coates, *My President Was Black*, THE ATLANTIC (Winter 2017), <https://www.theatlantic.com/magazine/archive/2017/01/my-president-was-black/508793/> (“The large numbers of black men in jail, for instance, are not just the result of poor policy, but not of seeing those men as human.”); see Merrill, *supra* note 52, at 115 (noting the collective recognition of the lack of humanity in killings of people of African descent in Italy).

303. See Saidiya Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making*, in NINETEENTH-CENTURY AMERICA 5–7 (1997).

304. Frank B. Wilderson III, *Afro-Pessimism and the End of Redemption*, UNI. OF CAL. IRVINE, INTER-DEPARTMENTAL SEMINAR: TRANSLATIONS (Oct. 20, 2015), <https://humanitiesfutures.org/papers/afro-pessimism-end-redemption/> (“Abject inhumanity stabilizes the redemption of those who do not need it, just as it mobilizes the narrative project of those who strive to be redeemed.”). I see Afro-pessimist themes in Derrick Bell’s concept of racial realism. See Derrick Bell, *Racial Realism*, 24 CONN. L. REV. 363, 377 (1992) (“It is time we concede that a commitment to racial equality merely perpetuates our disempowerment. Rather, we need a mechanism to make life bearable in a society where blacks are a permanent, subordinate class.”).

perpetuate anti-Blackness. To do so, we must reject collective amnesia and grapple with our colonial past.

The collective experience of Black people with systemic anti-Black violence is important. In Italy and the United States, shared knowledge and memory of systemic violence and exploitation stemming from the practices of chattel slavery and colonialism make up the collective experience of people of African descent.<sup>305</sup> Anti-Black violence against individuals results in vulnerability among the collective.<sup>306</sup> There is a collective recognition of the paradox of the lack of humanity and actual violence against Black people (be it through mass incarceration in the United States or anti-immigrant rhetoric in Italy) and the “hypervisibility of black people as a source of danger.”<sup>307</sup>

Our shared histories demonstrate that the condemnation of Black people was integral to establishing Whiteness as civil, moral, and powerful in the colonial era. Our lack of humanity formed the legal basis for our exclusion. And when law sought to integrate Black people, White backlash resulted in anti-Black violence. This is true in the United States and Italy. But solidarity is not progress. In Italy, contextualizing differences is key to meaningful activism. In order to contextualize, the voices of Black Italians must be elevated, and activism must be redirected to challenge the Italian-specific ways Blackness is violence and social death.

## EPILOGUE

As I reflect on my experience in Italy and complete this article, Camilla Hawthorne’s words keep replaying in my mind: “[d]iasporic unity is not automatically a given and blackness cannot be reduced to a single, universal condition.”<sup>308</sup> Living in a country for two weeks and reading academic articles about it does not make anyone an expert on its culture. All I can do is reflect on my limited experiences there. While I cannot be certain there was racism, I can say that the experiences in Italy were like my experiences with anti-Blackness in the United States.

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305. Merrill, *supra* note 52, at 113.

306. *Id.* at 117.

307. Sebastian Weier, *Consider Afro-Pessimism*, 59 AMERIKASTUDIEN/AMERICAN STUDIES 419, 420–21 (2014).

308. Hawthorne, *In Search of Black Italia*, *supra* note 2, at 164.

One incident stands out. As a souvenir, I decided to purchase an Italian leather bookbag. I found an Italian leather store conveniently located just a block from my hotel. I “stalked” the store for days, waiting for it to reopen after June 2nd, a national holiday commemorating Italian suffrage and the vote that resulted in the creation of a post-Fascist republic instead of a monarchy. I was thrilled to discover the store had reopened while exploring my neighborhood after class. Upon entering the small store, I greeted the White man behind the counter with “Ciao.” My lack of an Italian accent immediately exposed my American citizenship, though he did not respond. Excited, I proceeded to mentally identify the leather bags I liked. The bags were too high to reach, so I asked the man if I could see one camel-colored bookbag. He did not move from the stool on which he was seated behind the counter but said in a thick Italian accent, “It’s one hundred twenty Euro.” Thinking this a strange response to a customer’s request to see an item, I responded, “Yes,” and thought to myself that I was getting a deal because it was less expensive than the leather Coach crossbody bag I wore that day. He then repeated, but louder and slower, “One . . . hundred . . . twenty . . . Euro.” I nodded my head. He then grabbed a long pole and reached for the bookbag. As he pulled the bag down towards me, I reached for it. But he swung the pole in the direction of the counter and dropped it there. I stepped toward the counter, hoping to inspect the interior for pockets. He quickly grabbed the bag and started opening it. He proceeded to give me a “tour” of the bag but did not allow me to touch it. Not accepting what was happening, I asked to see a small camel-colored bag that was sitting on a shelf right behind his shoulder. Instead of grabbing the bag, he again shouted out the price. Flustered, I asked if the store would be open tomorrow, to which he smugly replied, “Tomorrow, and the next day, and the day after.” Somewhat in shock, all I could think of was the episode of *A Different World* where Whitley shopped for an expensive watch for her dad.<sup>309</sup> At that moment in time, I wasn’t an

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309. On an episode of *A Different World* titled *Pride & Prejudice*, Whitley experiences racism from a White store clerk who assumes she cannot afford to purchase an expensive watch and gets an education on racism and stereotypes from Jaleesa. See Tyler Young, *Great Moments in Black Girl Badassery Vol. 9: Whitley Gilbert*, BLAVITY (Mar. 10, 2016), [https://blavity.com/great-tv-moments-in-black-girl-badassery-vol-9-whitley-gilbert?category1=feminism&category2=opinion](https://blavity.com/great-tv-moments-in-black-girl-badassery-vol-9-whitley-gilbert/great-tv-moments-in-black-girl-badassery-vol-9-whitley-gilbert?category1=feminism&category2=opinion) (quoting Jaleesa, who stated, “Whitley, when you have got her kind of ignorance none of that matters. They only thing that people like that ever see is a little

academic comparator. How much money I had, my education or my purpose in Italy did not matter. It appeared that all that mattered was that I was Black.

Certainly, Blackness is not a monolith in the United States or across the diaspora. But the experience of anti-Blackness feels universal. And when one experiences it, the questions of why and how racisms exist seem less important. When I shared this encounter with a White male colleague, he asked how I knew it was racism. While I believe his inquiry came from a place that was genuine, the innate understanding and knowing that undergirds the experience for me and the need to narrate it here make anti-Blackness systemically inescapable in life and the academy.

*“To be black and conscious of anti-black racism is to stare into the mirror of your own extinction.”*

-Ibram X. Kendi<sup>310</sup>

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Black girl.”).

310. Ibram X. Kendi, *The American Nightmare*, THE ATLANTIC (June 1, 2020), <https://www.theatlantic.com/ideas/archive/2020/06/american-nightmare/612457/>.