

The constructive role of the media in hate speech controversies: the Valtònyc and Hasél cases

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Abstract

Social networks such as Twitter can promote social alarm about conflicts concerning anti-hate speech legislation. The protests after the prison sentences of the rappers Valtònyc (2018) and Hasél (2021) are two paradigmatic cases in Spain. This research analyses how citizens' desire to combat hate speech may be frustrated when the law is applied. Using a quantitative and qualitative methodology, we observe the users and the media reactions on Twitter in both cases. In the first phase, we conducted a content analysis (n=694) to identify the position of users and the media. In a second phase, discourse analysis examined the presence or absence of the features of constructive journalism in the news coverage. The results show that the anti-law stance is predominant in Twitter messages, but there are few references to freedom of expression and censorship. While there is a considerable presence of emotional and polarised messages in users' tweets, the media adopt a rational and informative approach. The media discourse in both cases is still far from the traits of constructive journalism. Therefore, this research shows that informative actions based on the principles of constructive journalism could mediate between citizen sensibility and legislation. This could promote a sense of citizenship that avoids hate speech.

Key words: hate speech, constructive journalism, social networks, citizenship, polarisation, Twitter

1. Introduction

Claims of hate crimes—including facts related to hate speech—are exhibiting an upward trend in Spain, according to reports on the evolution of hate crimes, published by the Ministry of the Interior. Between 2016 and 2021, there was an increase of 88.6 percentage points in registered facts related to so-called hate speech (Ministry of the Interior 2017, 2022). This term comprehends actions and expressions with a high potential to create a climate of violence,

hostility or hatred against certain groups or individuals (Van Hout 2022), as well as specific expressions of terrorism hate speech, such as glorifying terrorism and expressions of humiliation of the victims (Galán Muñoz 2018; Cancio Meliá 2021). The social networks have become a loudspeaker for this type of aggression.

The creation, in 2018, of the *Oficina Nacional de Lucha contra los Delitos de Odio* (ONDOD) (National Office against Hate Crimes), a subsidiary of the Ministry of the Interior, evidences the interest for improving prevention, registration and research into these crimes. Among its functions, the ONDOD coordinates strategies, creates protocols and offers formation and sensibilization regarding these crimes—a sensibilization that is expected to cause an increase in claims (Tapia 2021). In addition, the ONDOD has launched a survey on victimisation.

The survey was launched between December 2020 and the first trimester of 2021. The sample is of 437 individuals who see themselves as victims of hate speech crimes. The results of this survey show that almost 60% of respondents believe that this kind of crime has notably increased over the last five years. 82% of respondents consider the measures adopted to be inadequate or insufficient so far, and a 43% of respondents answer no, or don't know if the Criminal Code punishes the acts based on discriminatory reasons (ONDOD 2021).

Data suggests that citizens are increasingly concerned about this kind of crime. At the same time, there is the alarming situation of many people who ignore the law. When legal mechanisms have been applied to combat hate speech, the consequence has been a relevant social alarm, due the view that this kind of measures constrains freedom of expression, a pillar of the democratic system.

The alarm appears to be focused over all on social media—a via more and more relevant to access the news (Vara-Miguel et al. 2022), which is also a scenario with the potential for polarisation and confrontation (Urman 2020)— and it has caused complaints and even violent acts that are broadly disseminated through social and conventional media. The cases of the rap singers Valtònyc (2018) and Pablo Hasél (2021), both with prison sentences for speech crimes, are paradigmatic. These cases lead us to think that a breach exists between the desires of citizens of combating hate speech and the means that the law actually applies.

The main objective of this study is to find evidence of how the desire of citizens to combat hate speech is in some way frustrated when the current law is applied. In addition, it wants to see if the media have faced up to this reality in a constructive manner—in the sense that constructive

journalism defends— in their social media activity, and, in particular, in those messages that generate more interaction among users.

In order to achieve this, we will review the legal framework on hate speech in Spain and we will briefly present the ideas of constructive journalism, following the proposal of Hermans and Gyldensted (2019). Subsequently, we will carry out both a content and a discourse analysis on Twitter regarding the Valtònyc and Hasél cases as a tool to observe users' reactions and the media's discourse on this social media.

However, it is important to bear in mind that the opinion of users of the social network does not identify with public opinion, due to the characteristics of Twitter: its high polarity (Urman 2020) and a low-middle age of its participants — in April 2021, Twitter global audience was composed of 38.5 percent of users aged between 25 and 34 years old (DataReportal, et al. 2021).

2. State of the art and methodology

2.1 Hate speech and social media

According to Digital News Report Spain 2022 (Vara-Miguel et al. 2022), 56% of the adult users of the Internet search for information through social media. In addition, social media has become the main via of accessing news: 43% of respondents of DNR 2022 point out that they know about news from social media. That means four more percentage points than in 2021 (Amoedo et al. 2021), and 30% recognize social media as their main source, which means it is the top place of the means of accessing news.

In contrast to traditional media, “social media platforms allow users to easily self-select into niche topics and extreme viewpoints” (Müller and Schwarz 2021, 2132). Therefore, social media is an easy field for confrontation and polarisation. Twitter, particularly, has demonstrated a highly polarised scenario (Urman 2020). In addition, content giving users a strong positive or negative feeling or one that is controversial or moving has more possibilities of becoming viral on social media (Dobele et al. 2007; Berger and Milkman 2012; Kim 2015; García-Perdomo et al. 2018).

The relationship between hate speech and social media has been the focus of numerous studies in recent years. Ramírez-García et al. (2022) have found that academic interest has been

growing particularly since 2017. Twitter, due its polarisation (Urman 2020) and its agenda-building potential (Bane 2017), gets plenty of attention.

Some authors have centred their efforts in studying how hateful social media content translates into real-life behaviour. In this line, Müller and Schwarz (2020) suggest that there is a direct correlation between the increase in hate speech and recorded hate crimes in a given territory; and Gallacher, Heerdink and Hewstone (2021) show that increased engagement between groups online is associated with increased violence when these groups met in the real world.

In Spain, numerous academic works have addressed the relationship between social media and hate speech on specific topics such as migration or xenophobia (Arcila-Calderón et al. 2020, 2022; Fuentes-Lara and Arcila-Calderón 2023), political ideology (Amores et al. 2021) or gender (Piñeiro-Otero and Martínez-Rolán 2021; Blanco-Alfonso et al. 2022).

The regulation of hate speech (see 2.2) and its intersection with the media is another topic of interest and debate (Cabo Isasi and García Juanatey 2017). Some studies, such as Carratalá and Herrero-Jiménez (2019), reveal the recent and growing awareness of the legislative power in Spain of the impact that media discourse has on the circulation of hate speech and the need for regulation. As a result of a comparative study of regional laws on hate speech, the authors conclude that the regional powers see the media as tools that perpetuate structural inequality, capable of exercising media violence through discriminatory or vexatious language. But, on the other hand, they also see them as potential instruments of social change, which can promote positive references, away from stereotypes, and raise awareness of diversity.

This paper aims to contribute to the intersection between hate speech regulation and media from a different and somehow meta journalistic perspective: looking at the debate around hate speech laws —the dilemma between freedom of expression and regulation of hate speech— and the role that the media can play in it.

2.2 Hate speech regulation in Spain and the Valtònc and Hasél cases

In order to understand the Spanish regulation of hate speech crimes, it is necessary to make reference to the current legal initiatives in the European Union (EU) as well as in the European Council, two areas where concern regarding hate speech crimes has increased. Through specific recommendations, decisions and reports, the European countries have been recommended to adopt effective measures against this kind of messages. The most relevant

example is the Framework Decision of the European Council of 2008, “on combating certain forms and expressions of racism and xenophobia by means of criminal law” (2008/913/JHA). It was one of the first steps taken by the EU in order to stipulate hate speech be included on the member States’ agendas. At a different level, Recommendation (97)/20 of the Committee of Ministers of the Council of Europe and Recommendation No.15 of the European Council, have promoted different measures in this same line in order to “combat hate speech”.

Spain represents a particular case, due the presence of ETA terrorism during the period of years 1968-2011. In fact in 2015 the Spanish criminal code included the crime of “glorifying terrorism” in the article 578, in substitution of a precedent crime of “defending (apología) terrorism”, in addition to the crime of “humiliation of the victims” of terrorism, thanks to the Law 2/2015 of 30th March on the reform of the criminal code in terrorism crimes (Ley Orgánica 2/2015 “por la que se modifica la Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal, en materia de delitos de terrorismo”). The same year 2015, a sort of crimes of “hate speech” were incorporated into the criminal code, article 510, by the Law 1/2015 of reform of the criminal code (Ley Orgánica 1/2015 de 30 de marzo, “por la que se modifica la Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal”). This last is a result of the application of the Framework Decision of the European Council of 2008. In particular, article 510 includes a series of conducts related to hate speech, that should be considered connected with those of “glorification of terrorism” together with the “humiliation of victims” of article 578 (Galán Muñoz 2018).

The objective of this reform is the protection of human dignity (Fiscalía General del Estado 2019) and also of personal identity aspects, such as race, ideology, religion, ethnic origin, sexual orientation, genre identity, disability and in general, every identity characteristic, distinctive of a community. Hate speech occurs in actions against members of these groups, who are discriminated against or to whom aggressive messages related to these identity attributes are addressed.

The Spanish Criminal Code distinguishes between two groups of hate speech behaviours. On the one hand, actions have the potential to create an atmosphere of violence, hostility and hate against certain groups and individuals. Secondly, the behaviour is motivated by discrimination. However, this motivation does not imply the existence of a certain intention of discriminating, as is indicated by the Office of the Public Prosecutor (Fiscalía General del Estado 2019):

Hate speech crimes are considered intentional offences. They do not require specific malice. It suffices that they show a general malice that consists of understanding the elements of the offence and have acted accordingly.

To respect the measures designed to combat the referred-to behaviours, the Criminal Code states that the judge or the Tribunal must decide whether they eliminate the hate content from any digital platform and media, or block or interrupt the Internet service in which the offence has been disseminated.

In recent years, there have been some relevant cases of protests against the application of these criminal laws on anti-hate speech enacted in Spain. Two of these, the most controversial, addressed the cases of the rappers Valtònyc and Hasél.

In 2017, the Majorcan rapper Valtònyc (Josep Miquel Arenas) was condemned to three and a half years imprisonment for a crime of “glorification” of terrorism and humiliation of victims, for lèse-majesté of the Spanish Royal family and insulting some politicians in his lyrics, in addition to the crime of threatening some people. The singer claimed freedom of expression and appealed the sentence, but the Supreme Court rejected the action (STS 79/2018). In particular, some of the lyrics from 16 songs were considered illegal, first by the Audiencia Nacional (National Court) and, after appeal (recurso de casación), by the Supreme Court (see Anexe 1).

After the publication of the condemnatory sentence, Valtònyc fled to Belgium in order to avoid prison. On 5th July of the same year, a European Arrest Warrant was issued by the Spanish authorities to have him extradited to Spain. The Belgian justice, in sentence of 28th December 2021, has refused his extradition to Spain, due the consideration that his songs are protected by freedom of expression. However, the Court of Cassation of Belgium has ordered to review the trial on extradition in January 2022. The cause is still open so far.

In February 2021, the Catalanian rapper Pablo Hasél (Pablo Rivadullo) was imprisoned for 9 months for “glorification” of terrorism; in addition, he was fined for lèse-majesté and insulting the police. The illegal facts, according to the Court were 64 tweets on Twitter—that were selected by the Court among cents of them from the Hasél account—and one of his songs, which can be accessed on YouTube (STS 1298/2020) (see Anexe 2). The fact that Pablo Hasél was previously condemned by a similar crime in 2014, without serving prison, explains why, this

last time, he was incarcerated this time because of his recidivist crime. Despite the 9 months of jail being over, he is still in prison, due his negative to pay the fine imposed by the Court.

In the two cases, the condemnatory sentences provoked protests both in the streets and on social media, where many messages appeared supporting the rappers and in defence of freedom of expression. In 2021, the protests about the Hasél's entrance in prison caused riots, in Catalonia and in other Spanish cities.

2.3 Conflict, constructive journalism and social media

Conflicts, drama, and the problematic side of life have traditionally captured the attention of the media, as it has been tackled by several research initiatives (De Vreese 2004; Mutz and Reese 2005; Hermans and Drok 2018, 684). Undoubtedly the confrontation between freedom of expression and protection of other rights, which is the context where expression crimes happen, offers the essential ingredients in this sense. Particularly, when they became violent protests as occurred in the Hasél case.

This media tendency to conflict and drama is not new, it has been happening since at least the nineteenth century. The genre of the chronicle, a format that has been widely used in journalism for more than 100 years, is a good example of this.

However, some researchers and journalists claim that an excessive media tendency towards conflict and the negative can generate a biased vision of what is happening in the world and, in consequence, it can cause disinformation among citizens (Gyldensted 2015; Haagerup 2017; Casares 2021). This gap may cause problems for the quality of democracy and the sustainability of the rule of law, at least from the point of view of the predominant Western narrative, "which links the health of democracy with well-informed citizens, who obtain their knowledge from their media consumption, by accessing the media which act as a fourth power and watchdog of public institutions" (Serrano-Puche 2020, 158 cites Deuze 2005).

As Hermans and Drok (2018, 685) affirm, audience-effect studies on news processing have demonstrated that a negative perspective on news can generate an increase in polarisation and a decrease in mutual understanding. They also claim that users of media with a negative perspective experience emotions such as fear, disinterest and disconnection, which, afterwards, can mark their way of thinking and relating to others affected. And, finally, it has a negative influence on people's wellbeing.

These concerns are the starting point for constructive journalism, a movement that aims to revert the journalistic bias towards negativity, based on the postulates of Positive Psychology. Constructive journalism recognizes and tackles conflict, but it tries to go beyond. It aspires to cover what is problematical, but in a rigorous, critical, nuanced and future-oriented manner, endeavouring to find solutions. It sets its sights on building bridges, avoiding polarisation, and it is calm in its tone; it attempts to avoid both scandals or indignation. It seeks to facilitate informed debate on solutions for documented problems and tries to incorporate citizens and to create spaces for conversation (Haagerup 2017, 146; Hermans and Gyldensted 2019). This way of doing journalism is not opposed to or incompatible with journalism with an agenda or a clear editorial line, which can have constructive elements.

In 2016, the Journalism Department at Windesheim University of Applied Sciences developed a list of six characteristic elements of constructive journalism. Below is the list that Hermans and Gyldensted (2019, 538-539) set out:

1. Solutions: When covering problems, also add a solution-oriented framing of news.
2. Future Orientation: Adding a 'What Now?' question to the traditional journalistic questions (who, what, where, why, how). Adding a future orientation allows for a possible productive perspective about the future and about our ability to get there.
3. Inclusiveness and diversity: Include more voices and perspectives in the news. Work against polarising dynamics created by news media.
4. Empower people: Ask other questions and include variety to empower so-called victims and experts. Questions should inquire about possible resources, collaborations, common ground and solutions.
5. The "Rosling": Explain the news and give context. Use data to create clear infographics, explaining the news. The intent is to go from covering incidents to covering contexts.
6. Co-creation: Engage and empower the public. Co-create the journalistic content with citizens.

The risks that concern constructive journalism are amplified in an informative scenario where social media has ever-increasing relevance. According to Digital News Report Spain 2022 (Vara-Miguel et al. 2022), 56% of the adult users of the Internet search for information through social media. In addition, social media has become the main via of accessing news: 43% of respondents of DNR 2022 point out that they know about news from social media. That means four more percentage points than in 2021 (Amoedo et al. 2021), and 30% recognize social media as their main source, which means it is the top place of the means of accessing news.

Social media is an easy field for confrontation; Twitter, particularly, has demonstrated a highly polarised scenario (Urman 2020). In addition, content giving users a strong positive or negative feeling or one that is controversial or moving has more possibilities of becoming viral on social media (Dobele et al. 2007; Berger and Milkman 2012; Kim 2015; García-Perdomo et al. 2018). This suggests that the media too, in its activity on social media, may be guided by criteria far from the characteristics of constructive journalism.

2.4. Methodology

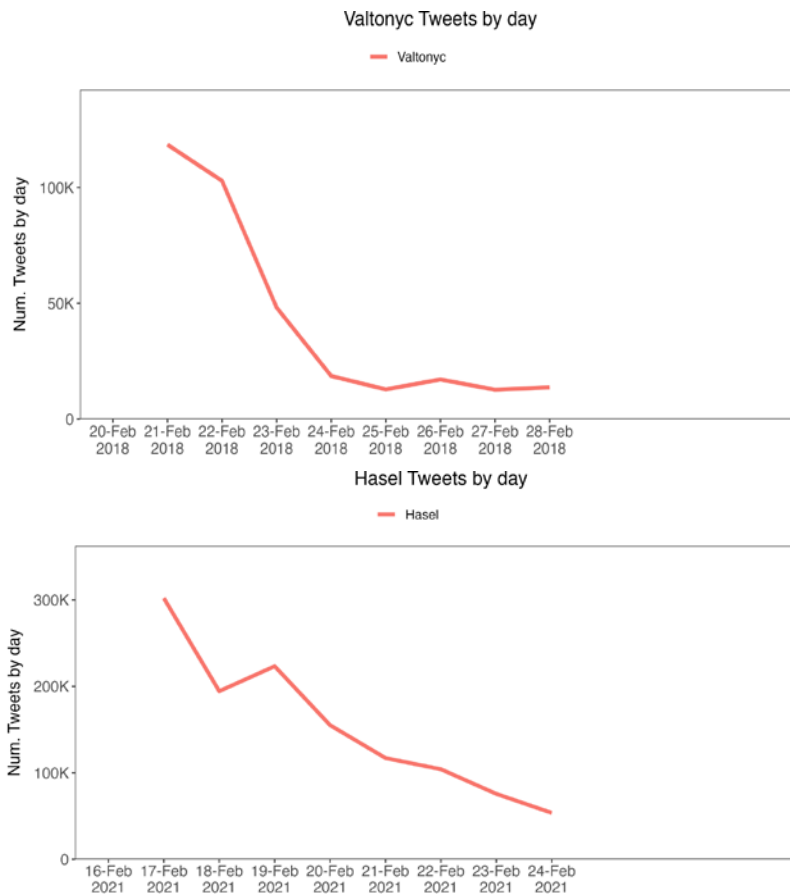
The study tackles the Valtònyc (2018) and Hasél (2021) cases by means of a content analysis and a discourse analysis on Twitter. The research by Kruikemeier (2014) and Peña-López, Congosto and Aragón (2014) describes the mobilising capacity of the above-mentioned social media when debating political issues.

In the present case, the social answer to the application of the law on hate speech has been studied from both the perspective of individual users and the perspective of the media. In order to do so, the key words “Hasél” and “Valtònyc” have been used. The selection of the sample was exclusively centred on the tweets from the section “featured” as “outstanding” —those that Twitter considers the most relevant according to the criteria set by search and popularity. However, it was of interest to know the total number of tweets posted on the selected dates. Therefore, we captured all the messages programmatically using the Twitter API. Specifically, we accessed it through the T-Hoarder R tool (data repository).

The total number of tweets published during the week of 20 to 27 February, 2018, and between 16 and 23 February, 2021 amounted to 1,570,927 tweets (344,561 by Valtònyc and 1,226,366 by Hasel). These periods are the moments of greatest impact, when the media developed a considerable news following and the citizen answer was more visible through social mobilisation.

The cumulative frequency of tweets can be found in appendix 1. The following graphs show the evolution of tweets per day.

Graphs 1 and 2 . Total number of tweets posted about Valtònyc and Hasél



Source: elaborated with T-Hoarder R tool.

The volume of data allowed us to identify a larger number of tweets disseminated in the Hasél case. To fulfil the objective of this research, we created and applied the analysis code to those tweets that appeared as the highest ranking in the keyword search. It returned a sample of 694 tweets (366 re Valtònc and 328 re Hasél) published during the week of 20 to 27 February, 2018, and between 16 and 23 February, 2021.

In the Valtònc case, this period was the day immediately after the confirmation of his conviction by the Supreme Court. In Hasél's case, it was the days after his entrance in prison, after he spent one night barricaded in the University of Lleida.

2.4.1 Objectives and hypotheses

After the analysis of selected tweets, it will follow these objectives:

O1: to analyse the Twitter users and media positions in their publications on Twitter, regarding the convictions of Valtònyc (2018) and Hasél (2021)

O2: to identify the type of dominant messages as well the references to freedom of expression or to censorship, in relation to the application of the law against hate speech.

O3: to value the presence or absence of constructive journalism features in those media outputs most retweeted.

The hypotheses of this study to be validated or, on the contrary, to be invalidated in the analysis are:

H1: the users and media discourse on Twitter is consistent with the opposition to the application of hate speech law to the Valtònyc and Hasél cases.

H2: the users and media discourse on Twitter in opposition to the application of hate speech law in the Valtònyc and Hasél cases mentions freedom of expression that is censored.

H3: the dominant users and media discourse on Twitter about the condemnations of Valtònyc and Hasél are of the polarising type, and humorous and angry styles of communication are predominant in Twitter.

H4: the messages coming from media accounts have the most impact on Twitter, and their discourse on the sentencing of Valtònyc and Hasél is far from constructive journalism.

2.4.2 Explanation of the code

In order to accomplish Objectives 1 and 2, this research opted for the quantitative method of content analysis. In the first stage, the researchers elaborated a code that included the following variables:

1. Typology of the tweet according to the content creator: the sender is a media organisation or a Twitter user.

2. Origin of the message: messages created by the user or media organisation itself (own content) and messages that include quotes, embedded messages or external references (other Twitter accounts).

3. Users' position on the sentencing of the singers: messages in favour, against or with a neutral position regarding the application of the law against hate speech in the case studies.

4. Type of message: the style of communication, the tone and expressive characteristics of each message (tweet) are assessed according to the following criteria:

a. Evaluative-rational: this gives a critical assessment of the facts, in favour or against the condemnation.

b. Sarcastic-humorous: there is irony or sarcasm in the text of the message or in visual elements.

c. Informative: descriptive messages that convey facts and avoid subjective assessments.

d. Angry: content maintaining an aggressive style of communication and favouring polarised discourse.

5. Description of the protagonists: distinguishes the categories of positive affectivity (attribution of values, admiration or support for the rappers), negative affectivity (criticism of their activity or disapproval) and neutrality (descriptive view of the events) towards the protagonists.

6. Express allusions to censorship or freedom of expression.

7. Visual elements accompanying the text: identification of the elements used such as photos, videos and hashtags.

8. Impact of the message: popularity of the messages measured in number of retweets, comments and number of favourites.

Seven people (other than the authors of the research) conducted the data collection. Before the analysis, the coders were trained and tested on a smaller sample and found to agree on their criteria. The results showed a reliability of 95% agreement and an adequate result when applying Krippendorff's alpha coefficient.

To address Objective 3, the researchers conducted a discourse analysis. The selected sample included the tweets with the greatest impact offered by the media. The criteria used to select the messages was the number of retweets (RT): messages highlighted by Twitter in the search

of the terms “Valtònc” and “Hasél” that reached at least 1000 RT. The search resulted in 36 messages in the case of Valtònc —7 of them were media tweets. In the case of Hasél, 67 messages were obtained —4 of them from media accounts on Twitter. The aim was to assess the presence or absence of the features of constructive journalism identified by Hermans and Gyldensted (2019), as described in section 2.2.

3. Results

3.1. Tweets according to their sender and media support

When analysing the number of tweets offered, we can see that in the case of Valtònc, the number of messages posted by Twitter users and by the media are similar. In the case of Hasél, the messages from users of the social network significantly exceed the number of tweets published by the media, 78% compared to 22%. However, it is noteworthy that in both cases approximately one third of the tweets posted by individual users —33.2% in the case of Valtònc and 22.3% in the case of Hasél— are based on journalistic information. They include references to news published by national and international media.

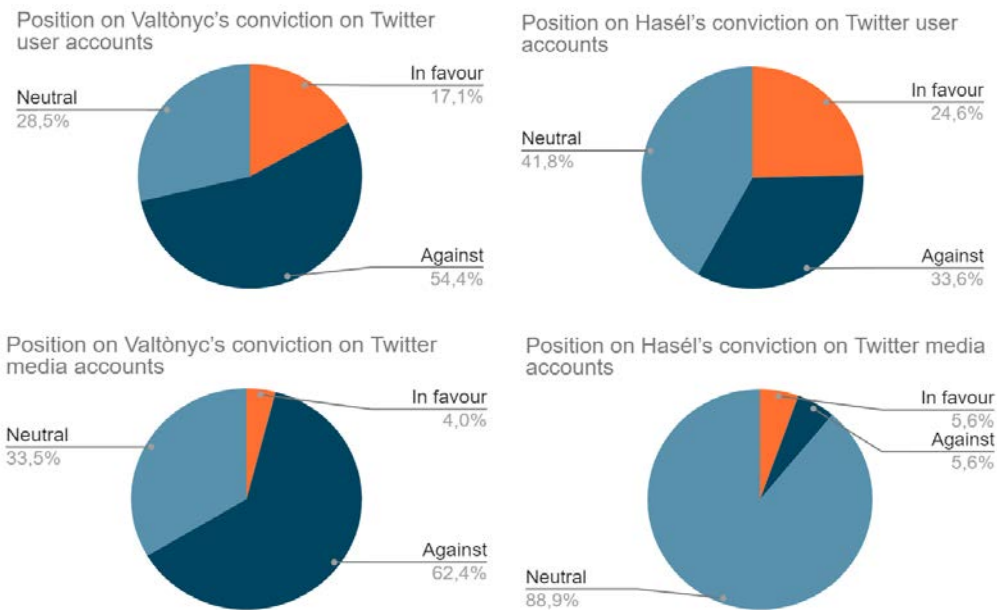
The digital press accounted for 85.2% of the media cited by citizens when commenting on Valtònc's sentence. In the case of Hasél, this was 68.3%. Furthermore, allusions to the television medium are rare in the case of Valtònc (14%), while the percentage increases in the case of Hasél (28.8%). The presence of radio is a minority in both cases. More specifically, in the case of Valtònc, the most frequently cited media in the press are the following: *Público* (29), *El País* (5) and *El plural* (5). Meanwhile, on television, most cited were the Atresmedia channels —mainly Antena 3 and La Sexta (14). Regarding Hasél, in the press, the leading newspapers are: *El País* (6), *El Mundo* (3) and *La Vanguardia* (3); on television, Atresmedia (6) and Televisión de Cataluña —TV3 or 3/24— (5) are highlighted.

These data suggest that citizens recognise some authority in the traditional media. However, there is a decrease in journalistic references in the 2021 case (Hasél) compared to the 2018 case (Valtònc). This may be related to a growing distrust among Spanish people of the news broadcast by the media and the ever-less credibility of the main Spanish journalistic brands; the Digital News Report 2022 (Vara-Miguel, 2022) shows that, for the first time, those who are sceptical of the news (39%) exceed those who trust it (32%).

3.2. Users and journalistic positions on the conviction of the singers

When analysing the position on the convictions on the Twitter accounts of users and the media, we can see some differences (graphs 1 to 4).

Graphs 3, 4, 5 and 6. Position on conviction



Source: author's own

Among the messages from individual users, in both the Valtònyc and Hasél cases, the stance against the application of the law prevails over the stance in favour of conviction. However, while in 2018 a critical position is detected in more than half of the tweets, in 2021 it drops to a third. On the other hand, the representation of the pro-conviction position increases, although it is less prevalent in the messages. The percentage of neutral messages also increased by almost ten points, reaching 41% in the case of Hasél, making neutrality the most represented position.

The media, however, present a different landscape. Significant, in relation to Valtònyc, is the percentage of messages against the conviction, which represent 62.4% of the total. This percentage exceeds the neutral position and in favour of the law (only 4% of the total). In the case of Hasél, however, the pre-eminence of the neutral position on the application of the law is overwhelming: it accounts for almost 90% of the media messages, leaving a mere 5.6% for the other positions. In the analysis of these data, it is striking to note the change from a discourse with a clear opinion in 2018 (on Valtònyc), to another in which there is hardly any clear position in 2021 (on tweets re Hasél).

Therefore, there is a clear contrast between individual users and the media. While users' messages are evenly distributed (against conviction, in favour or neutral), in the media tweets there is a high representation of the position against the law (especially in the Valtònyc case) and of the neutral position (in the Hasél case). The percentage of media messages in favour of convictions is comparatively low compared to that of the Twitter users' messages.

There are key terms whose use suggests that messages are consciously placed in the context of the clash between freedom of expression and the protection of other rights, a context in which legislation against hate speech arises. In this case, the frequency of the terms "freedom of expression" and "censorship" is observed. The selection of terms is based on two reasons: first, the main issue in the discussion on hate speech from the perspective of constitutional law is the boundaries of freedom of expression. The criminal law considers hate speech as an abuse in the exercise of the right of freedom of expression. Therefore, its application is not considered as a fact of censorship by means of the Spanish law context. Second, the statements of the rappers and their lawyers have focussed mainly on these two concepts of freedom of expression and censorship, and consequently, media and social media may echo these two concepts of reference.

In the discussion about Valtònyc, 15.8% of the accounts mentioned the term "freedom of expression" in their tweets. This percentage represents 11.6% in the messages about Hasél. The direct allusion to censorship, a term with a more critical approach, barely appears: it is detected in around 3% of the messages in both cases. These low percentages could indicate that, in general, users and media do not consciously situate the events as a breach of rights (or at least they do not express it on Twitter).

The percentage of tweets that reproduce the artist's content (song lyrics, video clips or declarations) is also interesting: 9.3% for Valtònyc and 2.7% in the case of Hasél. The tweets about Valtònyc are evenly distributed between the accounts of citizen users and the media. However, with the second rapper, most of the replays appear on users' accounts. The inclusion of this type of elements implies visibility for the rappers' performances, condemned precisely because of their songs. This can be interpreted as a sign of support and vindication of their freedom of expression.

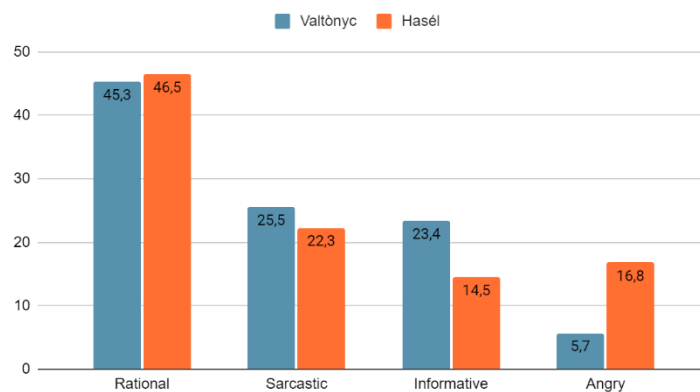
3.3. Type of message: rational, sarcastic, informative or angry style of communication

In both the Valtònyc and Hasél cases, the dominant messages are expressed in a style considered rational. They propose a critical assessment of the facts, in favour or against the conviction. Their presence, compared to the other message types, is greater in the case of Valtònyc (48.9%) than in that of Hasél (39.6%). On the contrary, sarcastic or humorous style and, above all, angry style of communication are higher in the case of Hasél: 19.8% of the tweets were sarcastic and 13.7% were angry, compared to 18.6% and 4.7% respectively in the case of Valtònyc. Messages expressed in an informative style are grouped at approximately 27% in both cases.

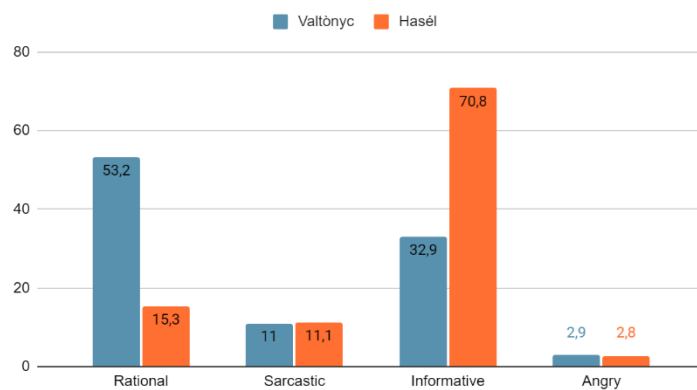
To determine whether there are differences between the messages disseminated by Twitter users and those used by the media, the following variables were cross-referenced: type of tweet according to sender and type of message according to the style of communication (graphs 5 and 6).

Graphs 7 and 8. Typology of messages

Typology of messages on Twitter user accounts (%)



Typology of messages on Twitter media accounts (%)



Source: author's own

The results show that there is also a majority of rational and informative tweets in the messages of private users. However, the proportion in relation to the total is lower than in the case of the media. Moreover, unlike in the media, the percentage is reduced by the presence of informative style messages. Sarcastic or humorous messages and messages expressed in an angry style represent a higher percentage than in the case of the media. Meanwhile, sarcastic tweets represent a significant number, around a quarter of the messages in both cases. Messages of anger are much higher in users' tweets than in media accounts, especially in the case of Hasél. The increase in the ratio of angry messages to total messages between 2018 and 2021 is notable, and suggests a trend towards more aggressive advocacy of their views by individual users.

In the media messages, the rational and informative styles of communication predominate, which together account for around 86% of the tweets. Although the sum is similar in both cases, the proportion represented by one type and the other is reversed: if, in the case of 2018, the rational messages are in the majority compared to the informative ones, in the case of 2021 the informative ones almost multiplied the number of rational messages by five. Therefore, there is a change in the discourse of the media towards a more informative style, closer to data and facts, and with less content of explicit opinion. The proportion represented by sarcastic and angry messages remained stable between 2018 and 2021: humorous tweets accounted for around one tenth of the total and angry tweets barely had a presence.

3.4 Discourse analysis of the most retweeted messages (media accounts)

After the content analysis, we proceed to the discourse analysis of the media tweets that reach a high number of RTs. The tweets were issued by the following media:

- *Mongolia*: a monthly humoristic magazine which usually includes political criticism, founded in 2012 (Gascón-Vera 2020, 128), they address their jokes to the whole ideological spectrum, but their orientation is left-wing (Mongolia n.d.). In 2018 the magazine received the 2018 Pilar Blanco Award from the CCOO trade union for the defence of freedom of expression.
- *Público*: daily newspaper, with a leftist and republican orientation, it was founded in 2007 (Público 2018).
- *Vilaweb*: Catalan news digital platform founded in 1996 which uses catalan language (Domínguez and Visa Barbosa 2013), and which it is possible to identify with pan-Catalanism, since it defends the idea of the Països Catalans (Vilaweb n.d.).

- *El Mundo*: one of the most relevant Spanish daily newspapers together with *El País*, founded in 1989; its editorial line is liberal, usually very critical to the Spanish socialist party –PSOE– and to regional nationalism, and closer to the conservative party PP. (Sánchez Illán and Luena López 2021).
- *BBC*: the British Broadcasting Corporation is a Public Service Media.
- *El Jueves*: satirical weekly —monthly since February 2023— founded in 1977, edited by RBA, its ideological orientation is left-wing and it has been at the centre of several controversies, mostly related to criticisms of the royal family (Gascón-Vera 2020, 128).
- *Eldiario.es*: digital daily newspaper, founded in 2012, after the shoot down of the paper edition of *Público*; its director as well as part of the journalists from *Público* went to *eldiario.es*; its ideology is leftist and republican (Sánchez Illán and Luena López 2021).

Based on the characteristics of constructive journalism as outlined by Hermans and Gyldensted (2019), we assessed the presence or absence of the following elements in the selected tweets: solutions and future orientation, citizen empowerment and expert voice, inclusiveness and diversity, explanation and context, and co-creation of content.

At the end of this section, a more detailed analysis of the selected tweets is included based on the headline, the position on the conviction, the sources cited, the description of the context and the textual or visual resources that the media use (Figures 5 and 6).

3.4.1. Solutions and future orientation

The first two elements —solution-orientation and future-orientation— do not appear in the messages analysed. However, in several tweets or linked articles, the disproportionate nature of the sentences is denounced, or the legal insecurity caused by the ambiguity of the law regulating hate speech is raised. Regarding Valtònyc, in a tweet by [Mongolia](#) and in a publication linked by [Público](#); regarding Hasél, in a publication linked by the [BBC](#) which is related to a stance against convictions, no solution or proposal for the future is suggested.

Figure 1. Examples of media tweets about Valtònyc (*Público*) and Hasél (*BBC*)



Source: Twitter¹

Perhaps the clearest example of the absence of solutions and future orientation is the [BBC News](#) piece on Hasel. The tweet links to an [extensive publication](#) on its website which includes a final breakdown entitled “Spain’s freedom of speech controversy”. There, journalist James Badcock includes the Hasel case among others related to freedom of expression and writes: “Several other performers and bloggers have fallen foul of the criminal offence of ‘glorifying terrorism’, which is framed so broadly that any example of justifying a terrorist act, even if it took place a long time ago, can lead to a conviction”. With these words, Badcock points to a problem with the law regulating hate speech, but does not put forward any proposals or solutions, nor does he turn to experts to try to offer any.

3.4.2. Citizen empowerment and expert voices

Hermans and Gyldensted (2019) relate citizen empowerment, another element of constructive journalism, precisely to the presence of expert and victim voices. Another feature is the inclusion of questions that probe potential resources, collaborations, commonalities and solutions. In the messages analysed, the voice of the experts rarely appears.

It can only be found in a publication on Valtònyc issued by *Público*. This article links to an [earlier text](#) entitled “Is it a crime to make jokes about Carrero Blanco²?”. It refers to two jurists who explain how “the same act, such as making a joke about Carrero Blanco, can have different interpretations to such an extent that one court sentences the accused to prison and another acquits them”. The magistrates explain the existence of two opposing doctrines and lament the

¹ *Público*: “BREAKING NEWS: The rapper Valtònyc will go to prison for insulting the king and singing that ‘the Bourbons are thieves’”.

² Prime Minister of Franco dictatorship until his assassination by the terrorist group ETA in December 1973.

ambiguity of the law and the insecurity that it generates. Thus, we find two expert voices explaining a problem. However, both jurists are representatives of the same doctrine and thus bring the same perspective to the controversy. The other position is left unexplained, which does not seem to favour the proposal of “collaborations, commonalities and solutions”, elements that would facilitate citizen empowerment, according to Hermans and Gyldensted (2019).

In addition, several publications analysed from their links in tweets—for example, news items by [Público](#) or [El Mundo](#)— include selected fragments of the judgments. They are the source of the news, but in no case do they offer direct access to the primary source, the complete criminal sentence.

3.4.3. Inclusiveness and diversity

The element of inclusiveness and diversity addresses the inclusion of different voices and perspectives in the news, which help to combat polarising dynamics created by news media. Although it is difficult to incorporate a variety of voices and perspectives in a tweet, due to its short length, we observed that diversity does not appear in the articles linked by the media in their tweets either.

The voices external to the media that appear the most in the tweets and in the linked posts are those of the convicted rappers. Valtònc's voice appears in a literal quote —[Público](#)— and also through his songs —[VilaWeb](#)— (figure 2).

Figure 2. Media tweets in which Valtònc's voice appears



Source: Twitter³

³ *Público*: “Valtonyc: ‘It seems that the judges are experts in hip hop but then they don't know who M. Rajoy is’”; *VilaWeb*: “The Supreme Court sends rapper @valtonyc to prison for three and a half years for this song”.

Hasél's voice does not appear in the text of any tweet, but it does appear in linked posts. [BBC News](#), for example, quotes the words that the rapper posted on his Twitter account: “We cannot allow them to dictate what we can say, what we can feel or what we can do”. On several occasions, their voices are accompanied by images of the rappers.

As already mentioned, the voices of the experts rarely appear. Other voices external to the media and other than those of the protagonists do emerge in media publications: tweets from the *Plataforma Antirrepressiva de Ponent* and *CDRs de Lleida* are inserted in articles linked in media tweets. These cases will be discussed later.

3.4.4. Explanation and context

Another element of constructive journalism is the inclusion of explanation and context, so that coverage goes beyond mere incidents. In our case studies, the messages with the greatest impact and the associated publications focus on the incidents: news of the convictions, demonstrations, riots... Some media even making use of the statements of a politician or some judge's words published in a newspaper (figure 3). They do not focus on contextual reflection or explanation of the causes, consequences, processes, possible problems and solutions. Coverage can therefore be considered superficial.

Figure 3. Example of a tweet focused on incidents and not on the context (*Público*)



Source: Twitter⁴

In addition, some tweets may be considered as favouring a biased attitude. Some messages favour the interpretation that the main —if not the only— offence for which Valtònyc is sentenced to prison is that of *lèse-majesté*. However, according to the sentence, the crime for

⁴ *Público*: “Valtònyc's procès judge complains in 'La Razón' (newspaper) that pro-independence parties cannot be illegalised”.

which he receives a heavier sentence is that of glorifying terrorism and humiliating the victims. The satirical weekly *El Jueves* highlights the insults to the monarch in a [tweet](#) in which it includes a link to Valtònc's Twitter account. The satirical magazine *Mongolia* also adopts a biased frame in [another tweet](#) about the rapper (figure 4).

Figure 4. Tweets highlighting the offence of lèse-majesté in the Valtònc case



Source: Twitter⁵

Furthermore, in the Valtònc case, elements that can be considered supportive of the artist are present, such as the reproduction of his songs (*VilaWeb*), the link to his Twitter account (*El Jueves*) or the reproduction of his opinion about the sentence, without including other voices (*Público*). The tweets about Hasél do not present such elements of support, although some linked publications do point out that personalities and organisations signed manifestos and explicitly positioned themselves against the prison sentence (*BBC*, *Eldiario.es*).

As the content analysis showed, the media tweets about Hasél present a more informative discourse, but they focus on the incidents, particularly the demonstrations and riots that took place after the rapper's arrest (Figure 5). They do not delve into the context.

Figure 5. Example of a tweet focused on incidents in the Hasél case

⁵ *Mongolia Magazine*: "As the rapper @Valtonyc has been sentenced to three and a half years for insulting the King, we ask for the same sentence for Marta Sánchez (singer)"; *El Jueves*: "Remember that you can't say that the Bourbons are thieves, or that King Juan Carlos goes whoring with our money, or that Carrero Blanco was a high-flying politician. Our support to the rapper Valtònc".



Source: Twitter⁶

As in the Valtònyc case, the selection of information and voices favours a particular framework of interpretation. This can be seen, for example, in the insertion of tweets from the *Plataforma Antirrepressiva de Ponent* or the *CDRs de Lleida* Twitter account in the articles published by [Eldiario.es](https://www.eldiario.es) and [BBC News](https://www.bbc.com), respectively, on the demonstrations and riots in the Hasel case. *Plataforma Antirrepressiva de Ponent* and *CDRs de Lleida* are activist platforms against the application of the law against hate speech, and are representative of the support for the rapper and of a clear political discourse. It is enough to observe how the thread of the *Plataforma Antirrepressiva de Ponent* continues after the tweet inserted by *Eldiario.es*: “@populares VOSALTRES FEIXISTES, SOU ELS TERRORISTES!!!! #LLIBERTATPABLOHASEL”. This tweet calls members of the Partido Popular — the main Spanish right-wing political party— “fascists” and “terrorists”.

Furthermore, the description of the events highlights police violence over citizen violence. [Eldiario.es](https://www.eldiario.es) underlines it in the subtitle, which states that fifteen people were arrested and two were injured by foam bullets fired by the *Mossos d'Esquadra* —the Catalan police— after clashes with the police by several demonstrators in Barcelona, Vic and Lleida. Then, the text points out that the initial violence came from the demonstrators. The [BBC](https://www.bbc.com) article mentions the police charges before the burning of refuse containers by the demonstrators: “In Barcelona thousands gathered, waving placards reading ‘Free Pablo’ before the protests turned ugly as police charged and demonstrators set rubbish bins on fire”.

3.4.5 Co-creation

⁶ *Eldiario.es*: “Thousands of people demand freedom for Pablo Hasel in Barcelona and 80 other Catalan towns and cities”.

The final element is the co-creation of journalistic content. Social networks are a scenario that favours the participation of citizens in the construction of the news discourse and, therefore, their empowerment. The media also incorporate channels for participation on their websites, such as the possibility of leaving comments. We detect these dynamics that involve the public in the co-creation of content in our case studies. However, the users' response is generally not very elaborated, with interventions that favour polarisation and not the debate about solutions.

In some cases, the media use Twitter to invite users to actively participate —[Mongolia](#) magazine, for example, asks for retweets with the hashtag “#CárcelParaMartaSánchez”—, but in no case do they launch a question to open a debate about solutions.

Figure 6. Summary of the discourse analysis of media tweets with more than 1000 RT in the Valtònyc case

The Valtònyc case (2018)									
Communication medium	Tweet	Number of RT	Date	News media's position	Tone	Sources	Context	Visual and textual resources	Presence/absence of features for constructive journalism
Mongolia Magazine	As the rapper @Valtonyc has been sentenced to three and a half years for insulting the king, we ask for the same sentence for Marta Sánchez (singer).	3142	20/2/18	Against the conviction of Valtònyc	Sarcastic Critical	No mention of information sources	Rapper's conviction	Comparison with other cases of singers who have not been convicted	Lack of solutions and future direction
Publico	The rapper Valtònyc will go to prison for insulting the king and singing that "the Bourbons are thieves"	3738	20/2/18	Against the conviction of Valtònyc	Critical	Supreme Court judgement	Rapper's conviction	Allusions to the monarchy as the main cause of the crime	Lack of solutions and future direction
ViaWeb	The Supreme Court sends rapper @valtonyc to prison for three and a half years for this song:	2901	20/2/18	Against the conviction of Valtònyc	Critical	No mention of information sources	Rapper's conviction	Publication of the singer's song	Lack of inclusion and diversity of sources
Publico	BREAKING NEWS: Rapper Valtònyc will go to jail for insulting the king.	2549	20/2/18	Against the conviction of Valtònyc	Critical	Supreme Court judgement	Rapper's conviction	Allusions to the monarchy as the main cause of the crime	Lack of solutions and future orientation
El Jueves	Remember that you can't say that the Bourbons are thieves, or that King Juan Carlos goes whoring with our money, or that Carrero Blanco was a high-ranking politician. Our support to the rapper Valtònyc	9291	20/2/18	Against the conviction of Valtònyc	Sarcastic Critical	No mention of information sources	Rapper's conviction	Criticism of the monarchy (negative adjectives to describe the Bourbons and King Juan Carlos). Criticism of Carrero Blanco	Lack of solutions and future orientation
Publico	Valtonyc: "It seems that the judges are experts in hip hop but then they don't know who Mr. Rajoy is"	1581	24/2/18	Neutral	Critical	An interview to Valtònyc National Court and Supreme Court	Rapper convicted of glorifying terrorism, slander and insulting the Crown.	Link to rapper's tweet	Lack of inclusion and diversity of sources
Publico	Valtonyc's procs judge complains in 'La Razón' (newspaper) that pro-independence parties cannot be judged.	3350	26/2/18	Against the conviction of Valtònyc	Critical	Enrique López (National Court) judge	Publication of an opinion column on the Catalan procs written by the judge and published in the newspaper La Razón	Image of Enrique López Allusion to the judge's connection to the Gürtel Plot (investigation initiated in November 2007 by the Anti-Corruption Prosecutor's Office into political corruption linked to the right-wing Partido Popular). Allusion to the judge's resignation from the Constitutional Court after testing positive in a breathalyzer test.	Lack of solutions and future orientation Lack of inclusion and diversity of sources

Source: author's own.

Figure 7. Summary of the discourse analysis of media tweets with over 1000 RT in the Hasel case

Communication medium	Tweet	Number of RT	Date	News media's position	Tone	Sources	Context	Visual and textual resources	Presence/absence of features for constructive journalism
BBC	Spanish rapper Pablo Hasel, who barricaded himself inside a university to avoid a jail term, has been arrested	1890	16/2/2021	Neutral	Descriptive	Catalan police spokesman Pablo Hasel	Hasel barricaded inside university to avoid prison sentence. Allusion to the citizen protests in favour of the singer	Allusion to problems surrounding hate speech legislation	Lack of solutions and future orientation Lack of inclusiveness and diversity of sources
El Mundo	#BreakingNews Another two and a half year sentence confirmed for Pablo Hasel for the exclaiming witness	2906	16/2/2021	Neutral	Descriptive	National Audience of Lleida (Catalonia) Message from Hasel on Twitter	Additional sentence to prison sentence for glorification of terrorism	Allusions to freedoms of expression	Lack of citizen empowerment and expert voice
elDiario.es	Thousands of people demand freedom for Pablo Hasel in Barcelona and 80 other Catalan towns and cities	1557	16/2/2021	Against Hasel's conviction	Critical	Protesters	Hasel was sentenced to nine months in prison by the National Court for glorifying terrorism and insulting the crown for his tweets and songs.	Images of the protesters in support of the rapper.	Lack of citizen empowerment and expert voices Lack of inclusiveness and diversity of sources
Publico	"This is how 'El Mundo', Vicente Vallés, Ana Rosa Quintana and Susanna Griso have distorted a news item about Iglesias and Hasel via @trending"	1977	19/2/2021	Neutral	Critical	Pablo Iglesias (Second Vice-president of the Spanish Government) Vicente Vallés (television journalist, Antena 3) Ana Rosa Quintana (television journalist, Telecinco) Susanna Griso (television journalist, Antena 3)	Broadcasting of false statements by the Vice-President of the Government on the Hasel case. Information broadcast by television stations such as Antena 3 and Telecinco and other media and Twitter accounts. The newspaper El Mundo verified that this information was not true.	Images of journalists Vicente Vallés (Antena 3), Ana Rosa Quintana (Telecinco) and Susanna Griso (Antena 3)	Lack of solutions and future orientation Absence of inclusiveness and diversity of sources

Source: author's own.

4. Discussion and conclusions

Concern about hate speech is growing in Spain, as shown by data from the National Office for Combating Hate Crimes (ONDOD) as well as the increasing number of academic articles focusing on the issue from different perspectives. There is consensus on the need for regulation and Spain, like other states, has passed legislation in this regard. However, their approval and their implementation has not been without controversy. The debate has spilled over into social media, which has in turn served as a channel for protests, some of which have led to violence.

When the media are related to hate speech, it is usually from the perspective of the role they play in the propagation or prevention of hate speech. However, the question of the role that the media could play in shaping anti-hate speech laws and in mediating between public sensitivity and legislation is not usually raised. In this sense, we have only found a few contributions in other countries, such as Lunny's (2021) on the law against hate speech and the contribution of the media in Canada. It is also rarely questioned whether this mediating role is carried out in a constructive and conciliatory manner. For these reasons, it makes sense to ask about this relationship in the Spanish case and to do so from the perspective of constructive journalism.

The analysis of the tweets published following the convictions of rapers Valtònc (2018) and Hasél (2021) shows the interest that Twitter users and the media have in publicising their opinions on the rulings issued by the courts and, directly or indirectly, on the application of the law on hate speech.

The following are the most noteworthy conclusions in relation to our hypotheses.

Firstly, we verify Hypothesis 1 in the Valtònc case by checking that the majority of tweets, from users and from the media, reflect a stance against the application of the law. However, the hypothesis is rejected in the Hasél case: the majority position in this case is neutrality, both in the tweets of users and the media. Moreover, the stances against and in favour of the law are more balanced than in the Valtònc case. The low percentages of these positions in media tweets suggest that the media are reluctant to express an opinion on the conviction in the Hasél case. Also, we found that approximately one third of the tweets posted by individual users in both cases are based on journalistic inserts. This percentage mainly expresses percentages of neutrality, especially in the case of Hasél.

Perhaps the higher levels of violence on the streets in 2021 may have contributed to this shift towards neutrality. It is also possible that Hasél was perceived as a more controversial figure, because of his recidivism and because, in addition to crimes of expression, he had convictions

for assaults and threats. Another possible factor is the lyrics of the songs: perhaps Hasél's lyrics were perceived as more incendiary than Valtònc's (see appendices).

Secondly, Hypothesis 2 on the references to freedom of expression and censorship as a key aspect in the anti-sentence discourse of both users and the media on Twitter is not verified. Only 15.8% of the messages in the discussion on Valtònc and 11.6% of the messages on Hasél mention "freedom of expression"; and the term "censorship" barely appears, only 3% of the messages in each case use this word. The reason that may lie behind this apparent incongruity is that the protest focuses on the sense of injustice or disproportionality of a prison sentence for the broadcasting of expressions, rather than on the reasoning of weighing up conflicting rights (which is what the courts had already done).

Hypothesis 3 on the dominant message type, which states that polarised messages prevail and that the dominant styles of communication are humorous and angry is rejected in the content analysis, although with nuances. The most repeated style of communication in the two cases, Valtònc and Hasél, responds to a rational approach—it presents a critical assessment of the facts, in favour or against the conviction— followed by the informative type, whose presence is notable in the media messages and, in particular, in the Hasél case. However, when assessing these results, we should bear in mind that the discourse analysis of the tweets and the linked publications shows that even in messages classified as informative, an implicit assessment or stance is detected. This can be observed, for example, in the choice of the news framework or the voices that appear in it.

The analysis of the typology of messages from individual users on Twitter indicates that there is a considerable presence of an angry style of communication. In the case of Hasél, anger messages account for up to 17%. Curiously, the group of tweets with the highest proportion of aggressive and polarised messages, almost a third, is that of those that present a stance in favour of the rapper's conviction. On the other hand, in the tweets posted by the media, we observe that they do not, for the most part, emit angry and polarising messages, but rather rational and informative tweets.

However, all of the above does not necessarily imply that the messages issued by the media follow the guidelines of constructive journalism or that the rational and informative messages generate the greatest impact. In fact, the results of the discourse analysis verify the hypothesis 4, which states that the media messages with the greatest impact on Twitter in relation to the

convictions of Valtònyc and Hasél maintain a discourse which is far from constructive journalism.

The digital environment and, in particular, the social networks favour the participation of citizens in the construction of news discourse. Dynamics that involve the public in the co-creation of content are detected in these case studies. However, the users' response is generally not very elaborated. As for the media, they do not make the most of these participation channels to generate a conversation focusing on solutions or collaboration.

Expert voices and access to primary sources —precedents or laws in this case— would favour citizen empowerment by giving them the tools to critically assess the issue. However, these voices are not present in the tweets or in the linked publications analysed. The element of inclusion and diversity, which would help to combat polarisation, cannot be positively assessed either. In those cases where several voices appear, the choice is not balanced and favours a certain perspective, mostly the anti-sentence position in support of the rappers.

Most analysed messages lack explanation and context, focus mainly on incidents and are therefore superficial in their coverage. They barely use a broader context in which causes, consequences, potential problems and solutions are addressed. There are no messages explaining why and how the application of the law against hate speech leads to such sentences; nor is there any argumentation for a change in the laws or for their maintenance and application.

We believe that journalistic actions —including on social networks— with a better basis on the postulates of constructive journalism could mediate, firstly, so that the law could be more in tune with citizens' sensitivity towards freedom of expression and its regulation, and secondly, they could help to foster a sense of citizenship in conflictive situations such as those posed by hate speech.

Limitations

Despite the valuable contributions that this research has provided for both case studies, it is important to highlight some limitations that could affect the interpretation of the results.

Firstly, the sample used in the content and discourse analysis was small in comparison with the overall number of tweets. We justify this selection by the criterion of tweets “highlighted” by

the social network. This may limit the generalisability of the findings to other populations or contexts. However, it is not possible to know the criteria by which Twitter may set bubble filters. It is essential to underline that Twitter users do not represent an equivalent subset of collective public opinion.

This constraint may influence the representativeness of the tweets chosen. It should be noted the exploratory character of this research. Despite these limitations, the content analysis provides a solid basis for an initial understanding of the phenomenon and suggests areas of interest for future research with larger and more diverse samples. In addition, a rigorous coding process was implemented and consensus was sought among the coding team.

Also, the limitations of this research include those inherent to a case study with specific and delimited thematic and temporal horizons. One of those limitations, for example, is that with the discourse analysis limited to the most retweeted messages, we cannot know whether the overall news coverage does fulfil more of the characteristics of constructive journalism. Besides, those most retweeted messages were mostly published by left-wing and, in some cases, Catalan nationalist media, so there is no proportional representation of the entire ideological spectrum.

Also, it should also be taken into account that in some cases, especially on highly polarised issues such as this one, there are campaigns prepared by companies, groups and/or troll farms which cause an artificial variation in the results. However, the results obtained in this study — less polarised content than expected— lead us to believe that this type of campaign has not affected the results too much in this case.

With the data obtained, future research can delve deeper into the variables studied and incorporate new categories into the code. Similarly, the data obtained can be compared to further phenomena of social impact in other countries with different legislation. Likewise, a larger-scale study could be carried out on complete journalistic coverage in order to detect actions that fit into constructive journalism, which could be a positive model for future cases of controversy surrounding the application of the law regulating hate speech.

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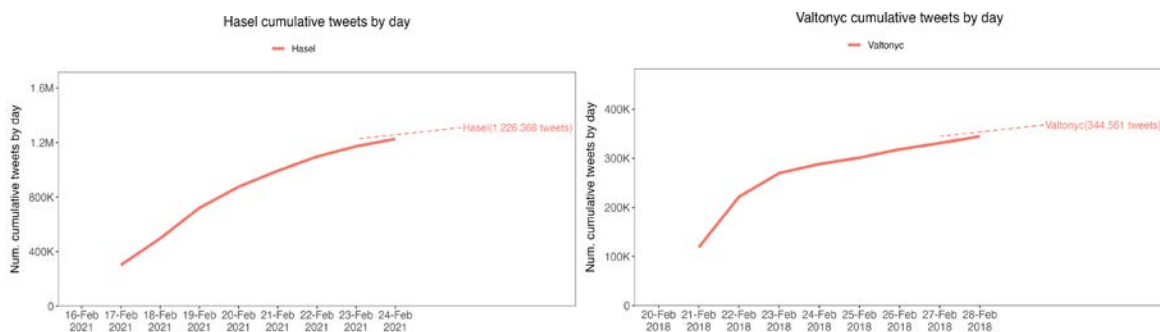
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Appendices

Appendix 1. Hasél and Valtònyc cumulative tweets by day



Source: Elaborated with T-Hoarder R tool.

Appendix 2. Valtònyc's fragments of song lyrics condemned by the Court (from 16 songs)

El rei Borbó <https://www.youtube.com/watch?v=H9QXVS-gb2o>

"El rey Borbón y sus movidas. No sé si era cazando elefantes o iba de putas, son cosas que no se pueden explicar, como que para hacer diana utilizaba a su hermano. Ahora sus hermanastros son los árabes, y les pide dineritos para comprar armas, le hacen hacer la cama y fregar los platos y mientras doña Sofía follando, y eso duele, ¡claro que sí!".

"No podemos elegir, no tenemos ninguna opción, pero un día ocuparemos Marivent con un kalashnikov" o "Froilán se da cuenta y se quiere morir, que a su abuelo un dictador lo eligió. Que pertenecía a los GAL... y que no es democrático sino un dictador enmascarado".

"Haremos que Urdangarín curre en un Burger King, que la infanta Elena pida disculpas (puta) por ser analfabeta y no ir a estudiar a Cuba", "por qué no se fractura la cabeza y no la cadera", "si no, secuestraremos al capitán del Concordia para que coja el Fortuna y se pegue una hostia", "sarcástico como el rey dando la mano a Gaddafi y después celebrando tener petróleo fácil (hijo de puta), puede ser que de la república solamente queden fósiles, pero quedamos nosotros, y del rey los negocios".

"La tercera edad también pasa hambre, pero aplauden a los monarcas, masoquistas ignorantes. No podemos escoger, no tenemos ninguna opción, pero un día ocuparemos Marivent con un kalashnikov". "Él, respetuoso con la Constitución, en cambio los derechos humanos se los pasa por los cojones", "el Froilán se da cuenta y se quiere morir, que su abuelo un dictador lo escogió, que pertenecía a los GAL y que no es democrático sino un dictador enmascarado".

Circo balear (unretrivable)

"Jorge Campos merce una bomba de destrucción nuclear". "queremos la muerte para estos cerdos", "llegaremos a la nuez a tu cuello, cabrón encontrándonos en el palacio del Borbón, kalashnikov", "le arrancaré la arteria y todo lo que haga falta", "queremos la muerte para todos estos cerdos". (Jorge Campos was at that time the President of the regional political party "Actúa balear")

Deberían tener miedo (unretrivable)

"Que tengan miedo, joder. Que tengan miedo", "que tengan miedo como un guardia civil en Euskadi", "un pistolotazo en la frente de tu jefe está justificado o siempre queda esperar a que le secuestre algún GRAPO", "dicen que pronto se traspasa la cloaca de Ortega Lara y muchos rumorean que Rubalcaba merece probarla, complejo de zulo mi casa a ver si algún día secuestro a alguno y le torturo mientras le leo el Argala".

"Queremos que el miedo llame a sus puertas con llamas", "o que explote un bus del PP con nitroglicerina cargada", "me cansa tanto silencio en medio de esta guerra", "y mira, yo no tengo huevos a pillar una metralleta, pero al menos no condeno al que se atreve y al que a la lucha se aferra, partidos revisionistas me la coméis entera, no resistiríais ni la mitad de las cadenas que arrastra Arenas".

España0 Goma2 (unretrivable)

"Sofía es una moneda pero fusilada", "puta policía, puta monarquía", "a ver si ETA pone una bomba y explota", "para todos aquellos que tienen miedo cuando arrancan su coche, que sepan que, cuando revienten sus costillas, brindaremos con champán".

Caminando por la ciutat (unretrivable)

Cuando digo Gora ETA delante de un guardia civil, por eso te encierran y no por ser un hijo de puta como Urdangarín".

Microglicerina (unretrivable)

"Quiero transmitir a los españoles un mensaje de esperanza, ETA es una gran nación", "tu bandera española está más bonita en llamas, igual que un puto patrol de la guardia cuando estallas", "no voy a callar más, voy a luchar aunque tenga que coger una pipa como Froilán Marichalar", "si no tienes memoria se repetirá la historia y estarás condenado como un txacurra en Vitoria, ¡Gloria!".

"¡Gloria! Es Andrea Fabra durmiendo en la calle, y que un parado le rompa las costillas con un bate", "que no se alarme nadie, la justicia es simple, pero está de vacaciones con Publio Cordón en el Caribe", "asusta salir a la calle y que te pongan una multa, si la policía usa la fuerza bruta y encima luego condenan a quienes entregan su vida en la lucha", "esto no va a ser la fiesta que pensabas tonto, es una bomba de relojería en una plaza de toros", "un atentado contra Montoro otro logro pa vosotros, socialicemos los medios de producción a tiros y a la mierda los votos".

Dolores de amonal (unretrivable)

"Elijo el camino que me lleva a las cadenas, porque antes como trena que vender a la clase obrera. A ver si te enteras, como el caso Bárcenas, pierdo los papeles y en cuarteles grito 'gora ETA'. Nena, no apoyo la violencia gratuita, pero justicia sería pasarlos por la guillotina". "De Cospedal no reiría tanto en un zulo a cuarenta grados. Porque condenáis la puta lucha armada, contra la clase que tiene a la nuestra esclavizada. No sois izquierda, lo de que cambiáis el sistema desde dentro del sistema es una excusa de mierda".

"Dudo que próximamente os peguen un tiro en la nuca, quizá cuando el Follonero diga quién tiene la culpa", "elijo el camino que me lleva a las cadenas, porque antes como trena que vender a la clase obrera", "a ver si te enteras, como el caso Bárcenas, pierdo los papeles y en cuarteles grito 'Gora ETA'", "nena, no apoyo la violencia gratuita, pero justicia sería pasarlos por la guillotina", "De Cospedal no reiría tanto en un zulo a cuarenta grados", "por qué condenáis la puta lucha armada contra la clase que tiene a la nuestra esclavizada", "la dimisión de Mariano Rajoy no será hoy, los asesinos no dimiten, ¡se les destierra!".

"Que pena que no haya cerca gulags como en Siberia", "¡Ah! un puto pepero con los sesos fuera, por la presión del barco al no poder pagar la hipoteca. Eso no pasará, pero que un GRAPO los secuestre y no puedan pagar la fianza, ¿quién sabe? Quizá", "porque nos gobiernan terroristas, en cambio quien hace política está entre rejas", "me la suda si la Audiencia Nacional me condena, hasta romperme las cuerdas, ¡Libertad Arenas!".

Valtonyc y Marchena, que se levanten los caídos (unretrivable)

"Mi puta lengua envenena la fuente de la que bebéis, si contagia la rabia resurgida del 36", "el rey tiene una cita en la plaza del pueblo, una soga al cuello y que le caiga el peso de la ley", "mi ansia aumenta cada vez que reprimen comunistas y vuelan mis ganas de entrar en la guerrilla, así que, que sigan y el próximo Paracuellos será mi puta isla".

"Te quedas atrás, reformista, y eso me quema. Entorpeces la lucha formando parte del problema, encima quieres dar lección al que anda en prisión, por combatir la opresión y dar su vida entera, cadena perpetua para los que no claudican, pero tú afirmas que no existen presos políticos", "hace más ruido un solo hombre rugiendo que todo un ejército pasivo callando y sirviendo", "¿soy un molotov en la sede del PP? siete tiros de la 'glock' de Iñaki Bilbao al juez".

Noves degeneracions del PP (unretrivable)

"Parece que las balas de plata también os las tendré que dedicar, sois la misma mafia que Bankia", "un día coches volarán como Carrero Blanco y no colgaremos ningún lazo del ayuntamiento", "balas de plata para los fascistas".

Exiliado en carrera (unretrivable)

"Bauzá debería morir en una cámara de gas. Eso es poco, su casa, su farmacia, le prenderemos fuego".

Herbes mesclades (unretrivable)

"Burgués, ni tú ni nadie me harán cambiar de opinión, cabrón, seguir el acto de fusilar al Borbón".

Mi final (unretrivable)

"no soy ningún hipócrita, pero a veces me cuesta dejar a la gente en evidencia. Creo que debe de ser por eso que soy una buena persona, pero por mí Bauzá habría muerto ya de una bomba".

El mundo dona llicencia per matar (unretrivable)

"Del PP lo que hizo el PSOE, terrorismo es el BOE y no callaré. Pondré cojones. Aunque quieran criminalizar mis emociones, soy fuerte y lucharé", "Mis compañeros están allí fuera, están luchando por la autodeterminación, de una lengua, de una cultura, de un país, somos fuertes y nosotros ganaremos", "saber vivir es saber morir", "para no inmolarme necesito escribir, pero hay tanto hijo de puta que no merece vivir".

"Algún día haremos justicia, y diputados picarán piedra a la sierra todo el día", "Andrea Fabra se tragará sus palabras, y comerá del suelo porque no le quedará otra", "la Constitución se viola como una puta, pero, con Publio Cordón, los GRAPO tienen la culpa", "mataría a Esperanza Aguirre, pero antes, le haría ver cómo su hijo vive entre ratas", "que beban agua con barro, no más Solán de Cabras, que coman carne con lejía salpicada".

"Miguel Ángel Blanco, Carrero Blanco (suenan disparos). Bah, ya no, ahora toca a Juan Carlos. La OTAN no bombardeará la Zarzuela, no... aquí lo único que explotan son los trabajadores", "licencia para matar, quedarán pocos vivos, acabaré con izquierda, PSOE, también CIU", "merece la muerte todo aquel que se aprovecha de pisados, pobres, de quienes más lo necesitan".

"Que a Otegi se le tilde como un terrorista, pero quienes lo son estén en el parlamento haciendo política", "a mí me toca la polla toda la AVT. No tienen empatía con los que no pueden pasar ese mes", "pero bueno, tenemos goma2, y así llegará un día que explotadores volarán, tan alto como obreros de derechas que ahora son empresarios, les cortaré el cuello como recortan salarios".

"Esto no es violencia gratis, está justificada, como un antidisturbios que muere en barricada", "cogeré un kalashnikov, cogeré una MP5, iré a Intereconomía, terminaré con este circo. Después mutilaré a la De Cospedal, con la rabia del pueblo vasco a los GAL".

Marca España (unretriavable)

"Matando a Carrero ETA estuvo genial, a la mierda la palabra, viva el amonal", "tenemos corazón grande y de justicia se enamora si explotan tropas españolas, no lloran. Esto es amor: Kale Borroka en el Ministerio de Educación, esto es amor: goma2 y kalashnikovs".

El fascismo se cura muriendo <https://youtu.be/vJgyPzd4BtA>

"amonal en coches oficiales, haciendo justicia poética por cada familia que está pasando hambre".

Appendix 3. Tuits and fragments of song lyrics by Pablo Hasél considered illegal by the Supreme Court and Audiencia Nacional (National Court)

Tweets: 64 tweets published by Hasél between 2014 and 2016

23/03/2014

¿50 policías heridos? Estos mercenarios de mierda se muerden la lengua pegando hostias y dicen que están heridos.

24/03/14

"orgulloso de quienes respondieron a las agresiones de la policía"

25/03/14

Ahora van de llorones los antidisturbios cuando han golpeado y torturado siempre a miles y miles de personas, han desahuciado a porrazos, etc.

27/03/14

La policía asesina a 15 inmigrantes y son santitos. El pueblo se defiende de su brutalidad y somos "violentos terroristas, chusma".

30/03/14

Pretenden ocultar que muchas personas han salido hoy a exigir el fin de la monarquía fascista y golpean hasta a periodistas.

30/03/14

Policía Nazi-onal torturando hasta delante de las cámaras.

04/04/14

¿Matas a un policía? Te buscan hasta debajo de las piedras. ¿Asesina la policía? Ni se investiga bien.

04/04/14

2 años desde que Ramón fue asesinado por la policía sin que haya habido condenados por ello.

23/04/14

¿Guardia Civil torturando o disparando a inmigrantes? Democracia. ¿chistes sobre fascistas? Apología del terrorismo.

30/10/15

Detenidos en Galiza por "enaltecimiento del terrorismo" es decir, por decir que hay que luchar contra el estado fascista.

Enlace a Movimiento Político de resistencia.

2/12/15

El mafioso del Jose Ángel de fiesta con la monarquía saudí, entre quienes financian el ISIS queda todo.

25/12/15

El ladrón del Jose Ángel no debe dar crédito a la impunidad que tiene para burlarse de nosotr@s.

25/12/15

Constancia en la lucha hasta que un día el desahuciado sea Jose Ángel con toda su familia de parásitos enemigos del pueblo.

5/12/15

El mafioso del rey dando lecciones desde el palacio, millonario a costa de la miseria ajena. Marca España.

25/12/15

Lo más asqueroso de la monarquía es que millonarios por la miseria ajena, finjan preocuparse por el pueblo.

25/12/15

El PCE apoyó a la monarquía impuesta por Cecilio en la "transición" mientras el PC se dejaba la vida denunciando la maniobra.

27/12/15

Miles de ancianos pasando frío y sin un techo seguro mientras monarcas dan lecciones desde palacios.

27/12/15

Si tanta monarquía quiere el pueblo como dicen los tertulianos mercenarios, que suelten a la familia real sin escoltas por nuestras calles.

29/12/15

Ante el terrorismo de estado, el barrio organizado. Vídeo de cargas policiales en Lavapiés.

30/12/15

Lllaman banda criminal a grafiteros y no a la monarquía. Menudo estado demencial.

18/01/16

La monarquía mafiosa que da lecciones a países donde nadie es desahuciado.

Cómic donde aparece el Rey emérito junto a un saudita decapitado.

20/01/16

Quieren exterminarlo como a su camarada Asunción . Que se sepa.

21/01/16

Los amigos del reino español bombardeando hospitales mientras Estanislao se va de putas con ellos.

21/01/16

Uno de la CUP hablando claro contra la monarquía mientras IU anda de risitas con esta en la Zarzuela.

24/01/16

La mierda de Gabino de risitas en la Zarzuela sin reprocharle al Jose Ángel las atrocidades de las que son responsables.

25/01/16

Mientras llaman terrible tiranía a Cuba donde con menos recursos no se desahucia ocultan los negocios mafiosos del Jose Ángel con Arabia Saudí.

25/01/16

Por más millones que inviertan en manipulación, por más que sean intocables, la monarquía pasará a la historia como los parásitos que son.

26/01/16

El estado español dando armas a los criminales amigos de la monarquía para que puedan bombardear Yemen.

Que se sepa.

Imagen del rey emérito junto a dirigentes saudíes.

29/01/16

Por culpa de Arabia Saudí los niños de Yemen sufren así. Cosas de los amigos demócratas de los mafiosos

Estanislao.

Un niño con avanzada desnutrición en una báscula.

7/02/16

Policías que con Cecilio encarcelaban y que ahora encarcelan como jueces de la Audiencia Nazi-onal.

14/02/16

Onesimo asesinado por la policía torturándolo.

15/02/16

Dicen escorias policías "velamos por tu seguridad" mientras pagados por ti te vienen a desahuciar.

17/02/16

En la "ciudad libre de desahucios", que dijo Pilar , la policía agrediendo y deteniendo a quien lucha contra los desahucios, ahora mismo.

21/02/16

Reyes le llamara criminal al Rey por vender armas a Arabia Saudí o vivir a todo lujo a costa de la miseria, criminaliza la huelga.

22/02/16

Policías que te matan a un hijo, siguen impunes y encima piden dinero.

22/02/16

Si yo fuera el padre de Ramón se iba a enterar la policía que encima pide dinero por asesinarlo.

22/02/16

El policía que mandó disparar provocando el asesinato de Ramón pide 777.000 euros a la familia por investigarlo. Es para...

07/03/16

La policía siembra racismo y recoge rabia. ¿A quién sorprende?

09/03/16

Hasta el policía que parezca más majo, detiene por luchas y no a los que explotan o saquean. No son amigos.

11/03/16

Sí nos representa

Fotografía de Jose María

14/03/16

Las manifestaciones son necesarias pero no suficientes, apoyemos a quienes han ido más allá.

Fotografía de Mariana

16/03/16

La policía trata con racismo a los inmigrantes y cuando reciben una hostia en respuesta se hacen las víctimas.

El cuento de siempre.

17/03/16

Estudiantes responden a la brutalidad policial en Euskal Herria.

17/03/16

Luchar por la educación digna supone que la policía te detenga o abra la cabeza a porrazos, otra vez sucede

en Gasteiz.

17/03/16

Cuando la policía utilice sus armas contra los opresores y no contra los oprimidos, empieza a contarnos que son aliados.

17/03/16

Hoy la policía, enemiga de la democracia, ha abierto cabezas y detenido a jóvenes que luchaban por una educación digna.

Fotografía de los ertzainas llevando detenido a un joven ensangrentado.

24/03/16

Luego pretenden que les lloremos cuando les pasa algo a esos monstruos llamados policías.

Vídeo: La Guardia Civil dispara pelotas de goma...

24/03/16

Ningún Guardia Civil pago por los 16 inmigrantes asesinados a balazos de goma. Ahora llaman democracia a esto.

Fotografía de un fallecido en una playa

31/03/16

No te vemos tan pesado con los golpes mucho más fuertes de los bombardeos imperialistas o las torturas de la policía.

31/03/16

Adela y Guillermo , 12 años de prisión por daños materiales en una basílica Guardia Civil impunidad por decenas de emigrantes asesinados.

01/04/16

A dos años de ser exterminada por el Estado torturador, recordamos sus palabras.

Imagen con un texto de Felisa

01/04/16

Y así fue la acabaron exterminando

Fragments of the song lyrics: “Juan Carlos el Bobón”

It's a 5' song in YouTube with different images and voice of the King Juan Carlos I, in addition of one image of the head of the King. The diffusion of the song has been 5.417 views, until 30th August, 2016.

"Cuantos millones y millones... han saqueado y derrochado durante tantos años... tantos miembros de la familia real. Luego los psicópatas que nos gobiernan dicen que no hay dinero... para derechos de primera necesidad. Pero tienen los años contados... se acerca la república popular. Esa es la historia de Estanislao Picon que quieren ocultar... Contar quien es y que hace es delito, apuntaba maneras cuando mató a su hermano Adrian (risas). Quién se cree que fue un accidente... ni Maruhenda imaginando a Alexander desnudo cuando miente. Torrente es un santo al lado de Juanea, ya denunciaron que a Florinda maltrata. Qué legitimidad tiene el heredero de Cecilio que en juergas y putas nuestra pasta está tirando. Se ríe de su impunidad en un chalé de Suiza. Imagínalo borracho diciendo "que buena mi hija". Con la pija de su amante recuerda cazas de elefantes mientras aumenta el hambre y no hay justicia que lo cace.

A la cárcel van los pobres y no la infanta Inocencia , pero medio país le desea la guillotina. A/o sabe ni hablar, "porqué no te callas". A mí no me cierra la boca semejante canalla. Estanislao Picon , capo mafioso saqueando el reino español. En televisión vomitan que es útil, si claro, pa su camello y pal dueño del puti. Estanislao Picon, tomará su palacio la revolución. No... no habrá Guardia Real que evite que los republicanos juzguemos a Jose Ángel . Procrear con miembros de la misma familia pasa factura, ya procura la censura proteger su caradura. Haga lo que haga lo alaba la Guardia Civil y lo arregla con un "me he equivocado y no volverá a ocurrir".

Tertulianos a sus servicio lo amparan diciendo que una república saldría más cara. Te preguntas como puede manipular tanto... si... pues por todo lo que tienen en el banco. Dicen en la tele pública "que mona va la princesa"... el pueblo quiere república ese debate no les interesa. Silencia sus negocios sucios en Arabia Saudí y por contarlos quieren condenarme a mí. Les venden armas que van al ISIS, lucha contra el yihadismo más falsa que la salida de la crisis. No soy un súbdito, no me someto apestoso cacique tu trono obsoleto no merece respeto, pronto se irá a pique. Estanislao Picon , capo mafioso saqueando el reino español. En televisión vomitan que es útil, si claro, pa su camello y pal dueño del puti. Estanislao Picon , tomará su palacio la revolución. No... no habrá Guardia Real que evite que los republicanos juzguemos a Jose Ángel . Viva la república popular de la clase trabajadora. Una vez más contando la verdad y que los censores se yodan. 2016 y aún como anarquía parece el medievo mientras nos explotan y Picon entre lujos se rasca los huevos. Falso demócrata, mano a mano con la oligarquía fascista, para ir de jefe le vino muy bien el autogolpe del 23F. Utilizando al pelele convencido de Tejero... pa maquillarse con cuatro reformas superficiales y ganar aún más dinero. Estanislao Picon se librará como el fascista de Fraga, pero sus herederos picarán piedra

por tanto crimen que no pagan... cada parásito será juzgado. La historia no perdona ni a la escoria con corona y cada oprimido será juez de una jodida vez. El futuro será republicano y Estanislao el borracho tirano, será recordado como la basura mafiosa que es. Estanislao Picon , tomará tu palacio la revolución " .

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