**Summary and Outcome**

The Supreme Court found that mocking the physical appearance of a politician by distorting his surname in the context of a protesting against his public housing policy is not a lawful manifestation of the right to satire in that it constitutes gratuitous personal aggression. Considering this, the Court rejected the appeal of M.T.C. against the decision of the Judge of First Instance of Crema, which had found him guilty of defamation.

**Facts**

On September 17, 2011, Mr. M.T.C., during a protest concerning the right to housing, had stopped in front of the pharmacy owned by Mr. B.B. (mayor of the city where M.T.C. lived) wearing a white scrub on which it was pinned a badge with offensive slur resulting from the distortion of B.B.'s surname. On May 14, 2019, the Judge of First Instance of Crema ("Giudice di Pace") found M.T.C guilty of the offence of defamation and ordered the payment of 1500 euros in favor of B.B.

M.T.C. appealed the decision. He brought an action before the Supreme Court and claimed that the law had been violated.

He argued that the Judge had not considered his lawfully exercised right to criticism in the form of political satire. M.T.C. argued further that because he was protesting the mayor's public housing policy (which had negatively affected him), he was exercising his right to political satire. The public prosecutor requested the dismissal of the appeal.

The decision of the Supreme Court consists of two parts. With the first part, the Supreme Court annulled without remanding the criminal part of the decision concerning the defamation offence because of the application of the statute of limitation. Irrespective of this, in the second part, the Supreme Court had to deal with the “civil effects” of the appeal and thus was called to consider the reasons detailed in the appeal of M.T.C.

**Decision Overview**

The issue before the Court is whether the right to satire is lawfully exercised when it exposes the attack to gratuitous personal contempt.

M.T.C. had highlighted that the right to satire is a particularly ironic and sharp form of criticism which – though at times extreme – justifies excluding that the behavior constitutes the offence of defamation. M.T.C had noted that satire aims specifically at ridiculing and damaging others' reputations and that the conduct is admissible if it is "instrumentally linked to the manifestation of a reasoned dissent from the behavior targeted" (Supreme Court's words).

Regarding this interpretation, the Court observed that the right to satire is lawfully exercised when the expressions used (though possibly offensive) are part of an argument that clarifies the reasons for the negative judgment manifested and which are strictly functional to the manifestation of the opinion. Conversely, the right to satire does not consist in unjustified aggression to the "moral sphere" of others or in gratuitous personal disdain. Therefore, the Court noted that the boundary between legitimate satirical expressions of ridicule or ironic mockery and gratuitous personal contempt must be clear. The Judge must always consider the essentially symbolic and paradoxical language of satire. Although satire's nature excludes the application of the usual yardstick of continence of expression, the fundamental values of the individual shall be respected. This requirement is not satisfied when the public person, in addition to the ridicule of their image, is exposed to personal contempt. In the case at hand, the mayor was exposed to such personal contempt that M.T.C., by distorting B.B.'s surname on the badge, also mocked and offended his physical appearance. This distortion, held the Court, did not express a thought which invited reflection on the public housing policy which M.T.C. was (lawfully) protesting. Instead, it constituted mere gratuitous personal aggression.

Considering the above, the Supreme Court rejected the appeal of M.T.C.

**Decision Direction**

The ruling details the boundaries of the right to satire by specifying that the latter - to be lawfully exercised - shall not result in gratuitous aggression of the person. Instead, the expressions used must be instrumentally linked to the manifestation of a reasoned dissent from the behavior targeted and must always respect the person's fundamental values.

**Significant**

Being a decision of the Supreme Court, the ruling establishes a precedent within its jurisdiction over lower courts which shall refer to the definition provided by the Judges.