PUBLIC ORDER AND PRISON DETENTION IN LIBERAL ITALY:

Between Repression and Guarantorism

edited by
Cristina Ciancio and Marco Pignotti



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E-mail: info@historiaetius.eu
Indirizzo postale: Prof. Paolo Alvazzi del Frate
via Ostiense 161 - 00154 Roma

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Marco Pignotti

Introduction

The relationship between public order, penal detention, and liberal governance in post-unification Italy is a central yet insufficiently explored topic in legal historiography. While scholars have devoted considerable attention to the evolution of criminal law, constitutional guarantees, and exceptional powers, these areas are often examined in isolation from the practical application, suspension, or reinterpretation of legal norms. Consequently, the *Età Liberale* has often been viewed either as an incomplete realisation of the rule of law or as a period in which authoritarian systems survived beneath a formally liberal constitutional order. This volume offers an alternative interpretation. By analysing public order and prison detention as interrelated legal fields, it reveals the structural and enduring tension between repression and guarantorism that shaped the Italian liberal legal order from unification to the First World War. Rather than approaching Liberal Italy through the lens of liberal legality, the contributions gathered here adopt the perspective of legal history, focusing on attention to practices, jurisdictions, and institutional arrangements. Instead of treating liberal legality as a fixed set of principles, they consider it a historically situated regime in which coercive powers, administrative discretion, and guarantees of rights were constantly negotiated. In this respect, the Italian case offers a particularly revealing example within the broader European history of constitutionalism. Nineteenth-century liberal states were characterised not by the absence of coercion, but by juridical efforts to discipline, justify, and normalise coercive practices through law. Italy, with its late state formation, internal fragmentation, and recurrent emergencies, provides an ideal setting for studying this process. The Liberal Age was a period of intense legal and institutional transformation. The establishment of a centralised administrative apparatus, the unification of criminal legislation, the redefinition of police powers, and the gradual expansion of political rights reshaped the legal landscape of the new state. However, these developments unfolded in a context of persistent instability. Brigandage, urban crime, political radicalism, and social unrest were perceived as threats to both public security and the constitutional order. Liberal governments responded with a complex and multi-

layered legal architecture: alongside ordinary criminal justice, preventive measures, military jurisdiction, emergency, legislation and a diversified system of detention were introduced, encompassing local prisons, military facilities, and penal colonies. The Italian experience is distinguished not by the presence of exceptional instruments, but by their systematic incorporation into a constitutional framework that formally upheld civil liberties, judicial oversight, and the principle of legality. States of siege, special jurisdictions, and preventive detention were legally regulated and temporally circumscribed in time, as well as being justified in public discourse as necessary the exceptions to ordinary law. However, their frequent occurrence transformed exception into a structural component of governance. From a legal historical perspective, this tension between norm and exception was not a pathology of the liberal system, but one of its constitutive features.

This volume is conceived as a coherent collective work rather than a mere juxtaposition of case studies. Despite the diversity of sources, scales, and methodologies, the contributions are united by a shared exploration of the legal management of public order and detention within a liberal constitutional framework. While the book is primarily intended for scholars of legal history, it also seeks to engage with social and political historians. The guiding assumption is that law cannot be understood solely through doctrinal analysis, nor can repression be reduced to the violation of legal norms. Instead, the volume foregrounds how law functions in practice: how legal categories were deployed by judges, administrators, military authorities, and experts; the discretionary spaces opened within seemingly guaranteeing frameworks; and the interactions between legal doctrine, administrative practice, and political necessity. Adopting a multi-scalar methodology characteristic of contemporary legal history, the volume considers individual cases, local institutions, and peripheral contexts alongside national legislation and constitutional debates. This approach enables the contributors to trace the circulation of legal norms across different jurisdictions, observing how guarantees and exceptions are articulated within specific institutional settings. By doing so, the book seeks to overcome the traditional dichotomies between legality and arbitrariness, ordinary law and emergency powers, reformist ambitions and repressive outcomes. The opening chapters address crime and punishment as areas where legal norms encountered social realities. Emanuele D'Antonio's contribution examines the autobiographical writings of a young offender imprisoned in Turin in the early twentieth century. Adopting a legal-

historical perspective, this chapter provides rare insights into how penal law and penitentiary discipline were perceived, internalised, and contested by those subjected to them. Self-narration is used to analyse the normative expectations embedded in the penal system and the limits of reformist aspirations. Andrea Bosio's chapter shifts the focus to urban crime during the Risorgimento, a period during which the intensification of political transition led to the reinforcement of the legal framework for public order. By analysing crime as both a legal category and a political discourse, Bosio demonstrates how liberal authorities equated social deviance with political instability, thereby expanding the scope of policing and preventive intervention. The chapter emphasises the importance of criminal law and police regulation in the initial establishment of state authority. A second group of contributions examines the variety of detention regimes and jurisdictions operating within Liberal Italy. Enrico Serventi Longhi's study of military imprisonment at Gaeta between 1863 and 1914 explores the intersection of civil and military law. Military detention emerges as a legally regulated yet deeply exceptional institution, raising fundamental questions about citizenship, loyalty, and the constitutional limits of military authority. Gaeta exemplifies the durability of extraordinary regimes within a formally liberal legal order. In his chapter, Anthony Santilli extends this analysis by examining the legal history of penal colonies in the long nineteenth century, with a focus on Gaeta and Santo Stefano in Ventotene. Through a reconstruction of debates on penitentiary science, administrative regulations, and actual practices, the chapter reveals how penal colonies functioned as juridical spaces of experimentation, in which reformist discourse coexisted with highly coercive regimes. These institutions demonstrate the flexibility of liberal legality in the face of perceived threats to order. Chiara Manganelli's contribution focuses on the racialisation of revolutionary activists in Romagna, with the juridical construction of political criminality at its centre. Through an analysis of Pio Battistini's murder trial, the chapter demonstrates how legal proceedings incorporated scientific and pseudoscientific expertise to redefine political dissent as biological and moral deviance. This process blurred the boundary between criminal responsibility and political repression, thereby expanding the punitive reach of the legal system while maintaining the appearance of judicial regularity. Roberto Ibba's study of prisons in Cagliari foregrounds local legal cultures and administrative practices. By examining conflicts, revolts, and ongoing administrative issues, the chapter demonstrates how central legal norms were reinterpreted and negotiated within a peripheral

context. The penal system is presented as contingent and conflictual here, shaped by material constraints and local power relations rather than by uniform legal rationality. Marco Maria Aterrano's contribution broadens the scope of the volume by addressing arms control as a juridical instrument of public order. Through an analysis of legislation and enforcement, the chapter reveals the preventive nature of liberal legality. The regulation of weapons operated at the intersection of police law, criminal law, and emergency powers, illustrating how liberal states sought to control potential violence through anticipatory legal mechanisms. The volume concludes with Marco Pignotti's chapter on the state of siege, which is analysed as both a legal institution and a discursive practice. Moving beyond the idea of emergency powers as a mere suspension of law, the chapter reconstructs the juridical frameworks and narratives through which the state of siege was normalised and legitimised. The chapter reveals that emergency is a recurring and regulated condition of liberal governance, showing the extent to which constitutional legality depends on the controlled management of exception. Together, the essays in this volume offer a legal and historical reappraisal of Liberal Italy. Rather than presenting repression and guarantorism as antithetical principles, the volume considers them as interdependent components of a constitutional order confronted with chronic instability. By situating legal norms within their institutional and practical contexts, the book contributes to ongoing debates on liberal legality, emergency powers, and the juridification of security in modern Europe.

Cristina Ciancio

Preamble

Public Order and Prisons in a Liberal Legal Order: The Juridical and Institutional Framework

After Italian unification, national cohesion did not emerge spontaneously but was pursued through the gradual and uncertain construction of the new State. This process was explicitly oriented toward overcoming the institutional legacies of the *anciens régimes*. Post-unification governments therefore engaged in a sustained effort to confront the forces of the old order, which remained resilient and influential. These forces were capable not only of resisting political change but also of slowing reform through compromises between inherited structures and new institutional arrangements.

In this context, law and order became central instruments of governance. They were conceived as essential to stabilising a political and social system still exposed to the risk of regression. Citizens' freedom was perceived as vulnerable to violence and to threats against personal safety and property. Safeguarding liberty within the limits defined by law thus became a core objective of liberal political programmes. Criminal law, in particular, played a decisive role by defining the boundaries of legitimate conduct. The successive projects for reform of the penal code, culminating in the Zanardelli Code, testify to the determination of post-unification governments to translate Risorgimento ideals into concrete legal institutions and to shape a nation capable of positioning itself among the main European powers.

Following the introduction of the new codes and the reforms they entailed, social control became an explicit aim of the administration of justice. This objective was pursued through a dual strategy. On the one hand, it relied on persuasion and on encouraging conformity to legal norms. On the other, it depended on the legitimate organisation of coercive force charged with enforcing the law. Liberal legality reached its first formal consolidation in 1865, with the juridical and administrative unification of the new State. M. S. Giannini famously described this State as "monoclasse," in that it sought to aggregate around an emerging bourgeoisie those elites

that had found a common political purpose during the Risorgimento (Giannini, *Diritto amministrativo*, 1970, vol. I, pp. 43–48).

Law no. 2215 of 2 April 1865, which entered into force on 18 April, introduced a system of codifications modelled on the Napoleonic tradition and already familiar to many pre-unification states. The new legal order was thus structured around a civil code (the so-called "Pisanelli Code"), a commercial code, codes of civil and criminal procedure, and a code governing the merchant marine. Shortly beforehand, Law no. 2248 of 20 March 1865 (the "Lanza Law") had unified state administration by extending Piedmontese regulation to the entire Kingdom. Later that year, Law no. 2959 of 25 June regulated expropriations for works of public utility. Judicial unification followed with Legislative Decree no. 2626 of 6 December 1865, which established a unified judicial hierarchy and assigned to the Court of Cassation the task of ensuring the uniform observance of the law (art. 122) and of providing authoritative guidance in civil, commercial, and criminal jurisprudence. The Court operated through four regional seats: Turin, Florence, Naples, and Palermo.

Penal codification, however, remained unresolved and represented the most contentious aspect of legal unification. The delay was due to strictly technical reasons, reflecting the difficulty of reconciling deeply divergent legal traditions in a field marked by issues of high political and symbolic sensitivity. Central among these was the question of capital punishment, abolished in the Grand Duchy of Tuscany but retained in the other pre-unification states. Parliamentary commissions and doctrinal debates dominated the first decades after unification, until a compromise was reached with the Penal Code of 1889. A fully unified system of civil and criminal jurisdiction, however, was achieved only in 1923, following the suppression of the regional Courts of Cassation (P. Calamandrei, *La Cassazione civile* [1920], in *Opere giuridiche*, ed. M. Cappelletti, 1976, vol. VI).

As this brief overview of the legal framework shows, governments equipped the new Kingdom with normative instruments designed to foster a climate of individual behaviour that was both free and aligned with the values of an emerging national spirit. Consolidating this framework required a high degree of uniformity in legal norms and in their application, in order to ensure the maintenance of public order within a liberal constitutional system. The delay in introducing a new penal code consistent with doctrinal principles and liberal ideals arguably represented one of the most significant problems at the level of institutional organisation and legal governance. In a liberal order, there is no inherent antinomy

between security and liberty, provided that security does not cease to be a guarantee and instead become a means of suffocating freedom.

This balance required continuous and careful mediation between the demands of order and those of liberty, both within civil society and the penal system itself, where liberty was necessarily restricted for detainees—whether awaiting trial or serving definitive sentence. Even in such circumstances, respect for personal dignity was not meant to be suspended. The ruling class was well aware that the administration of justice constituted a critical node in the process of unification, not only of institutional structures but also of the judicial bodies inherited from the former states. Justice thus emerged as a pressing and central issue, essential for providing the country with norms and procedures capable of ensuring social control and securing the loyalty of both the judiciary and the penitentiary system.

Although the Statuto formally guaranteed the irremovability of judges, article 199 of the judicial system allowed their transfer for reasons of service. Judicial independence was therefore far from firmly established. The public prosecutor was conceived as an expression of the executive power within the judicial sphere, and therefore required to comply with ministerial directives (art. 129). Political power and judicial power, particularly within the higher administrative levels, were thus characterised by reciprocal influence, overlap, and internal tensions. Only under the tenure of Giuseppe Zanardelli as Minister of Justice (1887–1891) did Italy finally adopt a new penal code, accompanied by a reform of judicial recruitment in 1890. Prior to this reform, access to the judiciary could occur either through a competitive examination for trainee judges or through ministerial appointment. The reform introduced a mandatory and more rigorous competitive examination, thereby curtailing ministerial discretion.

Public order was frequently interpreted as the repression of political dissent through police action. Here too, a process of purging the old apparatus proved necessary in order to create forces loyal to the new order, respectful of civil and political freedoms, and trained in the fight against crime. The rise of mass movements represented a particularly sensitive terrain for the liberal State. It should be recalled that between unification and the advent of Fascism, a state of siege was proclaimed on ten occasions, on the basis of the Pica Law (15 August 1863, no. 1409), originally introduced to suppress brigandage in the southern provinces following the uprisings of 1862 in Sicily and the Neapolitan territories. Under the state of siege, jurisdiction was transferred to military tribunals, removing cases from the ordinary judiciary, which was considered more protective of

rights, more moderate, and less expeditious. Post-unification unrest thus contributed to delaying for decades the adoption of a penal code with a distinctly liberal orientation. Even in the 1890s, military tribunals were employed to repress socialist and anarchist movements, including through the imposition and immediate execution of death sentences.

The administration of the penal system was shaped by the broader set of challenges confronting the new unitary State: ongoing economic transformation, chronic financial difficulties, the emergence of new social movements articulating demands from below, and the persistence of anti-system opposition within the most conservative sectors of society. Luigi Lacché has emphasised the ineffectiveness of ordinary instruments of public order, pointing to the excessive duration of trials and the widespread use of preventive detention as structural weaknesses (*La giustizia per i galantuomini*, 1990). Even the Zanardelli Penal Code of 1889—among the most advanced liberal codes of its time—contained provisions aimed at curbing the most radical forms of political dissent and the economic claims advanced by workers' movements.

The penal question, together with the administration of prisons, thus occupied a prominent place in political debate and cultural reflection, consistently framed by the need to strike a balance between public order and individual freedom, including the freedom of association within legally permitted forms of dissent and political or social coalition. Mario Sbriccoli has observed that the "conflict between order and freedom," pervasive in nineteenth-century penal thought, placed a political good—the security of citizens and social tranquillity—against the inalienable right of the individual to personal freedom. The practical predominance of the former, particularly in policing practices, and the recurring attempts to reaffirm the latter remained a constant feature of public life and legal debate (*La penalistica civile*, in *Storia del diritto penale e della giustizia*, 2009, p. 501). The tension often manifested itself in the gap between the guarantees formally provided by the law and illegal practices. Sbriccoli further identified a structural "imprinting" of the Italian penal system, shaped by this persistent imbalance between order and legality. In matters concerning public order and political security, criteria of expediency and convenience tended to prevail; extraordinary measures were justified by the exceptional nature of circumstances; suspicion acquired the value of proof; moral certainty replaced legal certainty; and police authority came to outweigh judicial oversight (ibid., p. 524).

In his 1888 report to the Senate, Zanardelli defended his draft code

against accusations of theoretical abstraction and excessive permissiveness in political and social matters. He rejected proposals for deportation and justified the role assigned to judges even in cases of political crime, within a legal order intended to safeguard freedom of thought, association, and assembly. He emphasised the centrality of evidence and adversarial proceedings, implicitly acknowledging that political conflict possessed forms of legitimacy that could not be indiscriminately conflated with conspiracy or subversion. Social peace, in this view, could be achieved by channelling conflict within a legal framework that protected the freedoms of dissent and public demonstration. As Sbriccoli aptly noted, Zanardelli's was "a liberal code for an Italy that was scarcely liberal" (p. 541).

Nevertheless, the code resolved long-standing disputes over the classification of offences by affirming the principle of the "legal objectivity of the act." In the sphere of punishment, it addressed discrepancies between statutory penalties and actual terms of imprisonment, introduced the unification of custodial penalties, and reduced their overall number. The reform envisaged limiting cellular isolation to nighttime hours, combined with daytime labour, and mitigated penal severity through the introduction of conditional release, alongside a general reduction in the afflictive character of punishment and of the periods of solitary confinement and enforced silence.

Zanardelli may also have seized a politically opportune moment to enact the new code, just before the dramatic events that would mark the end of the century. Public opinion had begun to shift, increasingly recognising that rising crime rates did not stem from penal leniency or from a weakening of repressive measures, but rather that crime reduction could be pursued within a framework of legality, through policies aimed at alleviating hardship, addressing the root causes of social injustice, and improving conditions of extreme deprivation linked to persistent areas of economic backwardness.

Emanuele D'Antonio

History of prisons and self-narration in early 20th-century Italy. The autobiography of a young gangster from Turin

Summary: 1. The origins of a prison autobiography – 2. To the reader's mercy – 3. Before the crime – 4. Crime (and female seduction) – 5. In prison (and beyond).

1. *The origins of a prison autobiography*

In December 1917, 17-year-old Francesco P.[1] (1900-?) was arrested in Turin as part of a police operation aimed at dismantling a gang of young criminals known as the Black Hand[2]. The investigation by the Piedmontese capital's police headquarters had been prompted by another investigation, that into the recent brutal murder of a fuel merchant, Maria Iraldi, who had been killed for the purpose of robbery by two teenagers in her shop in the central Corso Vinzaglio. Commissioner Amedeo Palma, an energetic official destined for a brilliant career in the state apparatus,[3] hypothesised that one of the murderers, 16-year-old Giuseppe Costantino, was the leader of a gang of thieves that had been very active in the Turin area since the previous summer. His associates and supporters were "un buon numero di giovanotti vagabondi[4]" aged between sixteen and twenty-four, who gathered in two disreputable bars, the Monviso and the Parigi, in the northern part of the city centre. Their thefts were generally directed against businesses, from which they stole money and items made of ivory and metal, which they then sold to their trusted fences, Stefano Marengo and Delfino Zucca. The police issued arrest warrants for the ten main suspects who, with the exception of Pietro Sclaverano, who was unavailable as he was serving in the Great War, were arrested and taken into custody at the Le Nuove prison.

[1] The young man's identity was made public by the Turin press. I considered it appropriate to conceal it in semi-anonymity, because the documentation examined brings to light sensitive personal data of a pathological nature.

[2] *Retata di giovani associati alla "Mano Nera"*, in «La Stampa», 20 December 1917, p. 3.

[3] See A. Cifelli, *L'istituto prefettizio dalla caduta del fascismo all'Assemblea Costituente. I prefetti della Liberazione*, Scuola superiore dell'Amministrazione dell'Interno, Rome 2008, pp. 12, 14, 28-29, 80-82, 88.

[4] "A large number of young vagabonds".

From that moment on, the so-called Black Hand case became the direct responsibility of the Turin judicial authorities. Francesco P. had been a central figure, an influential and very active member of the criminal organisation. His release from prison two days after his arrest,[5] due to a fortuitous procedural error, allowed him to go into hiding for three months. In March 1918, the police arrested him again, preventing him from evading the criminal proceedings being investigated by the Public Prosecutor's Office[6]. The young man was one of twelve actual or alleged members and accomplices of the gang tried by the Court of Turin the following July. The charges against him, supported by a vast amount of objective and testimonial evidence, were very serious: two counts of fraud, thirteen counts of simple and aggravated theft, and criminal association. Unlike his co-defendants, Francesco P. rejected all charges, protesting that he had been slandered by criminals whom he claimed to know only superficially or by sight; their confessions implicating him as an accomplice, if not the mastermind of the group's crimes, were false and inspired by unjust personal malice. His self-defence was not only ineffective but also counterproductive due to his aggressive behaviour, bordering on insolence, towards the other participants in the public trial. The court therefore sentenced him to six years and nine months in prison, imposing a prison sentence one year longer than the prosecution had requested. The sentence was upheld on appeal in January 1919 and became enforceable after the Court of Cassation reviewed its legitimacy three months later.[7]

Francesco P. was imprisoned at Le Nuove between March 1918 and February 1920, when he was transferred for undocumented reasons to the Royal Penitentiary of Oneglia, one of the Ligurian towns that merged in 1923 to form the new municipality of Imperia. His detention in the Turin prison represented a very critical phase in his life, culminating in an attempted suicide, most likely in early 1919[8]. In July 1918, the young man saw his hopes of early release fade when he volunteered for the Italian

[5] See Turin State Archive, Sezioni Riunite (hereinafer ASTo, SR), *Casa circondariale di Torino "Le Nuove"*, I.1.9, n. 5457.

[6] For the documents, see ASTo, SR., *Tribunale di Torino*, Criminal case files, 1918, bundle 156/A.

[7] It should be noted that the young man received at least two other convictions for theft in two collateral proceedings before the Courts of Turin and Pinerolo; for the documents of the first, see ibid., 1918, bundle 133/A, file 1257.

[8] The object used, a piece of glass, is preserved by the University of Turin, cf. University Museum System, Lombroso Museum (hereinafter IT SMAUT, ML), 839/5.

army engaged in war operations[9]. Life in prison caused him great distress, which in his first year of imprisonment cost him four punitive measures for disciplinary offences such as "schiamazzi" and "profitto illecito sui compagni[10]"[11]. His relationship with his family, already complicated between 1916 and 1917 by his departure from his father's house and the first vague reports of a theft he had committed, deteriorated further after the trial clarified the extent and nature of his criminal activities. Against this backdrop, Fernanda Molino, the sister of his mother Maddalena, harshly criticised his choice of a life of crime, which had nullified his parents' educational efforts and plunged him "nell'onta, nell'abisso"[12]. The strong pressures from inside and outside the prison must have contributed to the young man's mental disorder, which manifested itself in loss of sleep and hallucinatory visions of his aunt as his incestuous lover and executioner.

The prison administration was called upon to respond to issues related to Francesco P.'s mental state, perhaps following his attempted suicide, and certainly following his rash request. In January 1919, the prisoner sent a threatening letter to the director of the Nuove prison, ordering him to prevent Molino from visiting him in his cell, as she had done on many previous nights, to love him and subject him to painful and unhealthy electric shocks: "I am powerful with the black hand, [you] better behave or [I will] blow you up"[13]. Three days after it was written, the director forwarded the delusional message to the prison doctor, Mario Carrara, urging him to provide medical assistance to the young man. The criminologist, an academic true to the scientific teachings of his mentor and late father-in-law Cesare Lombroso, whose eldest daughter Paola he had married,[14] took an interest in his case for the entire year that followed. The therapies administered to him on the basis of an unknown diagnosis must have produced an improvement in his psycho-emotional condition. Francesco P. developed feelings of trust towards the criminologist, perceiving him – as he should have been – as a rare institutional figure who was not hostile, but respectful and even benevolent;[15] the many

[9] Cf. Maddalena and Celeste P. to Francesco P., Turin, 21 July 1918, ibid., 839/3.2.

[10] "Chatter"; "illicit profit from his fellow prisoners".

[11] See ASTo, SR, *Casa circondariale di Torino "Le Nuove"*, I.1.11, no. 7290.

[12] "Into disgrace, into the abyss". Cf. F. Molino to Francesco P., Turin, 14 July 1918, IT SMAUT, ML, 839/3.1.

[13] Francesco P. to the director of *Nuove*, Turin, 6 January 1919, ibid., 839/3.4.

[14] See F. Capozzi, *Mario Carrara, l'erede di Lombroso che non giurò fedeltà al fascismo*, in «Rivista di Storia dell'Università di Torino», 10 (2021), 2, pp. 35-51.

[15] See Francesco P. to M. Carrara, Turin [before 6 February 1920], in IT SMAUT, ML,

"courtesies" he received in the context of their relationship also included an intervention with the prison administration to have him relieved of a penalty for a disciplinary offence imposed on him by a prison officer.

Carrara studied Francesco P.'s personality – not only through interviews in the Nuove prison infirmary – but also through manuscripts he had written and owned, persuading him above all to write a torrential autobiographical memoir entitled *La vita che vissi* (The Life I Lived). His analytical approach reflected a dominant psychiatric-criminological knowledge defined by Lombroso and other international specialists, which attributed to writing the function of a key to accessing the psychology of so-called deviants[16]. Lombrosian criminology examined prisoners' writings using the tools of literary criticism and ethnography, linguistics and graphology, with the same logic with which it used anthropometry to scrutinise their bodies[17]. Its practitioners sought out alleged graphic, lexical and content anomalies – i.e. the narration of conduct that deviated from the behavioural standards of bourgeois culture – hypothesising that these were revealing and sometimes even partially explanatory of the authors' propensity for crime. However, the prisoners' ego-documents studied by specialists do not offer today's researchers a source that is useful only for investigations into the history of criminology between the 19th and 20th centuries[18].

Carrara kept Francesco P.'s autobiography at the Museum of Criminal Anthropology at the University of Turin, which he had taken over four years after the death of its founder Lombroso in 1913. The manuscript is still kept in the museum's archive in a huge, still little-known 19th- and

839/3.3.

[16] P. Artières, *Clinique de l'écriture. Une histoire de l'egard médical sur l'écriture*, Paris 2013. See also D. Galeano, *Beautiful Poems and Dirty Literature: Criminological Readings of Mass Culture in South America*, in S. Montaldo and F. Orlandi (curr. by), *Lombroso in the Americas. A Transatlantic History of a Controversial Criminologist*, London 2025, pp. 133-144.

[17] See P. Leschiutta, *Palimsesti del carcere. Cesare Lombroso e le scritture proibite*, Naples 1996; F. Merlo, *Gli studi grafologici di Cesare Lombroso. Usi scientifici e destinazione editoriali della collezione di autografi dei devianti del Museo di Antropologia Criminale di Torino*, in «Nuova Rivista Storica», 106 (2022), pp. 805-836; E. D'Antonio, *Gli studi sui gerghi, in Museo Lombroso. Il Museo di antropologia criminale "Cesare Lombroso" dell'Università di Torino*, edited by S. Montaldo and C. Cilli, Turin 2024, pp. 65-70.

[18] See S. Montaldo, *Vidas perdidas. Escritos autobiográficos de presos en la antropologia criminal de Cesare Lombroso*, unpublished paper presented at the conference *A tinta e o cárcere, Escritos de presos políticos e comuns (séculos XIX-XX)*, PUC, Rio de Janeiro, 5 September 2025.

20th-century collection called "Scritti di detenuti[19]", which contains personal documents produced – with a few exceptions – by Italian citizens imprisoned in the peninsula's prisons[20]. The aim of this essay is to analyse it as a source for the history of Italian prisons in the early 20th century. The perspective of the investigation focuses on the subjectivity of the author, concentrating on the impact of the mechanisms and dynamics of the prison institution on his personal history and experience. The writing of the memoir at the invitation of the criminologist was encouraged (also) by the hope of possible positive repercussions on his prison conditions; for example, the young man expressed his desire to access prison work consistent with his professional vocation as a technical-industrial designer[21]. However, the hope that Carrara would mediate his requests with the administration of the Nuove prison did not lead him to give him an improbable, edifying account of his personal redemption in prison. Rather, his memoir offers a retrospective rationalisation of his existential, criminal and prison experience, filtered through a pessimistic view of the world that he had developed since entering the penitentiary.

2. *To the reader's mercy*

In the short preface, Francesco P. addressed the hypothetical audience of *La vita che vissi*, clarifying the objectives of the "humble writing" dedicated to its commissioner and only actual reader, the "Most Illustrious Professor M. Carrara"[22]. The text was not intended to provoke moral condemnation of the author, who had already developed the "awareness" of being simply "a victim of himself". Readers had to approach it with the rationality of "physiologists", aware that man was "a machine driven by the brain". The brain was the organ that regulated human sensitivity, determining the modes of individual action aimed at achieving a goal.

[19] "Writing of prisoners".

[20] Francesco P., *La vita che vissi*, [Turin 1919], in IT SMAUT, ML, 839/1. For an introduction to the collection, see V. Borges, P. Artières, *Gli scritti dei detenuti*, in *Museo Lombroso*, cit., pp. 159-161.

[21] For an essay on eight of his graphic designs for industrial machinery submitted to Carrara for evaluation, see IT SMAUT, ML, 839/4.

[22] Francesco P., *La vita che vissi*, p. 1. For the dedication to the criminologist, *ibid*., p. 160.

"Le azioni squilibrate[23]" were therefore not the product of a man's immorality, but of a brain dysfunction that made him too weak to conform his conduct to the principles of justice. The prisoner had explained to the "reader" the organic causes of criminal behaviour in order to make him understand his misdeeds, but also to induce him to feel "clemenza, e […] perdono[24]" towards him; his criminological "theories" would not persuade all readers, but even sceptics would learn "la pura verità, tutta la verità[25]" about his story.

The 160-page memoir was conceived as a true literary work which, after the preface, interspersed autobiographical narration with philosophical and sociological digressions on themes and issues relating to the author's existential experience. The autobiographies of "delinquents", Lombroso taught, expressed through writing individualities exacerbated by "dolore del carcere" and "mal soffocate passioni", but above all driven by an overbearing "vanità"[26]. Although his text was not spontaneous, Francesco P. showed himself to be self-satisfied with his own erudition, quoting many, perhaps too many, verses, mostly by Italian romantic poets, at the end of reflections on real-life events or social, cultural and political phenomena. The lyrical inserts complicated a chronologically ordered textual structure, which was already rather articulated and discontinuous in itself; the story was also characterised by a noticeable stylistic shift, exhibiting for a long stretch a lucid, highly refined and even luxuriant style of writing, which in the concluding part became hasty and muddled to the point of obscurity. The young man did not necessarily abuse the passages from the compositions of Giuseppe Giusti, Francesco Domenico Guerrazzi, Giovanni Pascoli and many others out of "vanity"; he was more simply a passionate reader of their works and an amateur lover of poetry[27]. His level of education and cultural background appear to be fairly good overall compared to those of most of the prison population of the time and his peers from families of similar social status.

[23] "Unbalanced actions".

[24] "Clemency and [...] forgiveness".

[25] "The pure truth, the whole truth".

[26] "The pain of prison"; "ill-suppressed passions"; "vanity".
See C. Lombroso, *L'uomo delinquente in rapporto all'antropologia, alla giurisprudenza e alle discipline carcerarie. Fifth edition*, vol. I, Bocca, Turin 1896, p. 595.

[27] For three of his compositions sent to Carrara, see IT/SMAUT, ML, 839/2.

3. *Before the crime*

In his autobiography, Francesco P. devoted a great deal of space to his childhood memories, beginning with the story of his stay with his maternal grandparents in San Rocchetto, a hillside hamlet in the rural centre of Ferrere d'Asti, between 1904 and 1905. His parents, Celeste and Maddalena, had temporarily entrusted him to relatives on the eve of a work stay in Arona, which would take them away from Turin for a year. In the first decade of the 20th century, the P. family, residing at 150 Corso Regina Margherita, in the popular Turin neighbourhood of Borgo Dora, was experiencing an improvement in its modest socio-economic conditions. His father was a former bricklayer and textile worker who, after returning to the Piedmontese capital, obtained his driving licence and became a chauffeur and factotum for an industrialist.

Celeste P.'s son only learned that his father had problems with the law when he was young from an older fellow prisoner at Nuove. Carlo Satragni, an influential figure in the Turin underworld in the early 20th century, revealed to him that his father had been charged with "attempted murder" but had been acquitted on the basis of a psychiatric report by "Professor Lombroso". Francesco P. was not particularly upset by this, because he knew his father's irascibility, believed it was legitimate to stab a provocateur and, in any case, the trial had ended with a verdict in favour of the defendant[28]. In any case, his father's turbulent past had been behind him for two decades, buried by the new serenity achieved through marriage and a more lucrative and satisfying job than his previous ones.

The P. family did not provide the breeding ground for their only offspring's vocation as a criminal. His memoir paints a somewhat romanticised picture of a childhood with many bright spots and a few dark ones, marked by a suicide attempt, running away from home and a troubled stay at the Cottolengo Hospital, but also by remarkable educational success in the first three years of compulsory primary school[29]. His parents had devoted "the best care" to his education, conceived as part of a broader educational project aimed at providing him with good prospects for socio-economic self-fulfilment in adulthood. Francesco

[28] Francesco P., *La vita che vissi*, p. 154. For the acts of violence perpetrated by his father, see *Coltellate immaginarie*, in "La Stampa – Gazzetta piemontese", 7 October 1896, p. 4; *Cronaca spicciola. La cronaca del vino*, *ibid.*, 25 January 1897, p. 3; *Le ferite degli "sconosciuti"*, *ibid.*, 18 October 1897, p. 3.

[29] Francesco P., *La vita che vissi*, pp. 17-85.

P. made no secret of his preference for his loving mother over his strict father, whose "beatings" and punishments he believed had contributed to exacerbating his naturally restless nature. However, the teachers at Valdocco in Borgo Dora, now the De Amicis Comprehensive School, initially considered him one of the best pupils precisely because of his father's supervision. Celeste P. had taught him to read and write and, after he started school, had continued to take an interest in his studies. His decline in performance from the fourth grade onwards, as he would later write, was due to his increasingly unruly and hostile attitude towards his classmates and teachers, especially those he perceived as hostile and/or unjust towards him. The fact that excelling in a fight satisfied him more than getting a good grade not only exacerbated his conflict with his father's authority. The child, marginalised at school, had to be transferred to the Federico Sclopis schools, located in the central Via del Carmine; the reputation as a tough guy that he continued to cultivate even in his new school did not prevent him from obtaining his primary school certificate around 1911.

The liberal-conservative Celeste P., who shared stereotypes rooted in contemporary bourgeois culture, believed that the consumption of "adventure, detective, etc." novels and films corrupted young people, spreading deviant lifestyles among them[30]. For some time, his son had been secretly indulging in the "nefando veleno[31]" of these products of mass culture, but he did not disdain the more edifying cultural consumption offered by his father. In his autobiography, Francesco P. wrote at length about their first visit to the 1911 International Exhibition in Turin, conceiving and recounting it as a real turning point in his life[32]. His deep fascination with the discoveries of technical and scientific progress had prompted him to return there many times with his father, other family members and even alone. The strong interest in mechanical arts that he developed in that context led him to imagine his future as the owner of a workshop or a technical draughtsman. However, his visits to the pavilions also provoked emotions which, in hindsight, had a negative influence

[30] On this hostile view of mass culture, see D. Kalifa, *L'encre et le sang. Récits de crimes et société à la Belle Epoque*, Paris 1995, pp. 199-219. For the psychiatric-criminological perspective, see M.U. Masini, G. Vidoni, *Il cinematografo nel campo delle malattie mentali e della criminalità*, in «Archivio di Antropologia criminale, Psichiatria e Medicina legale», 36 (1915), 5-6, pp. 617-629.

[31] "Nefarious poison".

[32] Francesco P., *La vita che vissi*, pp. 91-102. On this impressive event, see P. Balocco, *L'Esposizione Internazionale di Torino del 1911*, Turin 2011.

on his life. Firstly, the young man discovered that he felt an immoderate attraction to women, to whom – as we shall see – he would in fact attribute a decisive role in his initiation into crime. On the other hand, the lack of money needed to buy the most admired artefacts made him aware that he was "poor"; his self-awareness of his status led him to develop, during his imprisonment, an unpolitical critique of the structures of Italian society, fuelled by feelings of aversion towards the wealthy classes, or at least towards that part of the wealthy classes that he considered unproductive for the rest of the country.

In 1912, Francesco P. left school of his own accord, intent on implementing the life plan that, in hindsight, he would consider to have matured the previous year in the pavilions of the International Exhibition. The young man intended to pursue his professional vocation, combining daytime work in the workshop with evening classes in technical and industrial design at private institutes. His father encouraged his initiative by setting up a small workshop in the outbuildings of their home on Corso Regina Margherita where he could practise the mechanical arts. However, his experience in the workshop was characterised, as he would recall in his memoir, by constant, voluntary job insecurity; his inability to cope with the boredom, pressures and conflicts of the work routine led him to resign after a few months from the company that had hired him, quickly finding new employment elsewhere.

His commitment to technical education declined in parallel with that devoted to the workshop, partly, he would argue, as a consequence of a serious accident he suffered while working for a FIAT supplier. From 1914 onwards, Francesco P. preferred to spend his evenings at the cinema rather than attending vocational courses; the films he went to see with "alcuni cattivi compagni" "some bad companions", in his opinion, had a negative influence on him, "[sconvolgendogli] il cervello" and thus making him "più facile preda del male"[33]. In 1915, Italy's entry into the First World War, he would also claim, made a further indirect contribution to undermining his balance, depriving him of his father's disciplining presence; 48-year-old Celeste P. was called up for military service, leaving his son alone with his mother to take care of the family. Francesco P.'s criminal career had not yet begun, but his brain had already been weakened by tendencies and habits accumulated during his upbringing, which would make him almost predestined for crime.

[33] "Some bad companions"; "[upsetting] the mind"; "more susceptible to evil".

4. *Crime (and female seduction)*

In his autobiography, Francesco P. was very evasive about his involvement in the so-called Black Hand gang[34]. The story hinted at the alleged circumstances of his integration into the "combriccola […] di malfattori[35]", suggesting that he had been induced by a friend, Giovanni Grosso-Richetta, in the name of their mutual need to survive in Turin, where they had been left without any points of reference. The two had long been a pair of habitual thieves and had been arrested after being caught red-handed with stolen goods from an inn in Chivasso. Their return to the city after escaping from prison in the Piedmontese town had left them with the problem of finding a means of subsistence. Rejected by his family, "persecuted by everyone and also hungry", Francesco P. allowed himself to be led astray by his partner, who already had connections with the group of criminals: "essi mi presero mi ristorarono e in compenso mi domandarono di fare la guardia quando loro avrebbero fatto dei furti, potevo ricusare?[36]". The young man could not write more about the Black Hand, not only because, having played only a passive role as a lookout, he did not know much about its activities: "questo mio passato" – he wrote – "mi fa ribrezzo"[37].

The expression of repentance expressed in this judgement of himself was most likely genuine. At the same time, however, Francesco P. offered an inaccurate account of the facts, which diminished the extent of his involvement in the criminal organisation in Carrara's eyes. According to the trial findings, he joined the gang a couple of months before mid-November 1917, when he escaped from Chivasso prison[38]. His participation in the planning and execution of the thefts, on the other hand, has been ascertained at least since the beginning of September

[34] Francesco P., *La vita che vissi*, pp. 143-145. The name Mano nera (Black Hand) was borrowed from the notorious Italian-American criminal organisation, whose actions had already been the subject of intense media attention, including in Italy. The sources do not clarify whether and to what extent the Turin gang officially identified with this name; at the trial hearing on 11 July 1918, fellow member Giovanni Grosso-Richetta testified that he had used it only once, while drunk, to claim responsibility for a theft committed with Francesco P., cf. ASTO, SR, *Tribunale di Torino*, Criminal case files, 1918, bundle 156/A.

[35] "Gang […] of criminals".

[36] "They took me in and fed me, and in return they asked me to stand guard while they committed thefts. Could I refuse?".

[37] "My past disgusts me".

[38] See the sub-file relating to the theft against Agnese Bostricco, *ibid*.

of that year. The young man had led his associates Grosso-Richetta, Costantino, Sclaverano and Agostino Taningher four times to a factory in bankruptcy proceedings to steal bronze objects[39], which were then sold to a trusted fence.

The memoir was as elusive about his experience in the so-called Black Hand as it was rich in information about the thefts committed prior to joining the association. The account of the crimes was very detailed, but not always reliable and, above all, characterised by an attempt to explain them in a self-exonerating manner. Francesco P. recounted that in 1917 – as was indeed the case – he had experienced a real escalation in criminal activity, after he had begun to regularly steal small amounts of money from his family since the end of 1915. His links with two fellow criminals of the same age – first a certain Enrico Ghersi and then his former vocational school classmate Grosso-Richetta, an electrician who already owned a revolver[40] – had encouraged him to extend his sphere of activity beyond the domestic sphere. The robberies carried out with one or the other had targeted, among other things, various taverns in suburban areas, whose owners had been robbed of money, jewellery, metal objects and billiard balls. In August 1917, the owner of an inn in Ferrere d'Asti recognised and reported the young man, whom she knew because he had relatives in the village, thus attracting the attention of the public authorities for the first time[41]. His transformation into a habitual thief – he would later claim – had undoubtedly been influenced by bad company; however, the decisive factor in his "moral metamorphosis" was another, much more powerful one.

Francesco P. had already stated that, since the age of eleven, he had been dominated by an impetuous desire for physical possession of women. The concrete possibilities of satisfying this desire only matured between the end of 1915 and 1916, following his encounter with two seductresses, one involuntary and the other deliberate. The narrative not only highlighted the temporal coincidence between his infatuations and the decisive turning points in his criminal career, but also conceived the latter as a result of female influence. In short, he was not responsible for his criminality, even though he admitted to having succumbed to the psychological tendency he defined as "womanising"; rather, the women he loved had permanently destructured his brain, making him capable

[39] See Costantino's testimony at the trial hearing of 11 July 1918, *Ibid*.
[40] See *ibid*., 1918, bundle 133/A, file no. 1257.
[41] See *ibid*., 1918, bundle 156/A.

of any action to please them. His first domestic thefts were motivated by the desire to obtain the money necessary to make himself attractive to a "seductress" who showed no interest in him and would reject him: "la donna è l'animale, più brutale che esista – the young men commented - perché con una parola distrugge la vera felicità della vita di un uomo"[42]. The first encounter marked the beginning of his thieving activities, while the second turned him into a habitual criminal and a gangster.

Francesco P. described a certain Bianca as "la causa diretta della [propria] rovina", who had "spinto alla delittuosa [sua] esistenza"[43]. The two had met and fallen in love in 1916 at a theatre soirée and, after a pleasure trip to Genoa, had begun living together under false names in Turin. The woman was a 22-year-old courtesan of Sardinian origin, who had until then lived in the comfort afforded her by her lovers, which the young man could not offer her. The couple initially decided to support themselves by working, but their earnings were insufficient to maintain the hedonistic lifestyle that the woman expected. In the meantime, Francesco P., who had begun to consume alcohol and cocaine, gave in to Bianca's pressure and began to steal with Ghersi in order to increase his financial resources. But it still wasn't enough: the woman, still unsatisfied, decided in 1917 to leave her partner, disappearing from his life with all the money and movable property in their home. The definitive entry into the underworld, at the suggestion of Grosso-Richetta, would be the only possible way out of the existential precariousness into which his fleeing lover had plunged him.

The woman was therefore always – whether she was a *cocotte* or an unwitting seductress – an agent of cerebral subversion of a man and therefore a decisive factor in criminogenesis. The autobiographical narrative – it should be noted – leaves room for doubt as to the reliability of the reconstruction of the facts. In reality, the young man kept himself busy in various workshops in Turin until September 1917[44], when his first documented actions with the Black Hand took place. The absence of external evidence on the figure of Bianca, on the other hand, may lead one to doubt even the very existence of the seductress, thereby refuting the entire account of his entry into the underworld. Whether she existed or not, Francesco P. resorted in any case to a (self-absolving) explanation

[42] "Women are the most brutal animals that exist, because with a single word they can destroy the true happiness of a man's life".

[43] "The direct cause of [his] ruin"; "pushed him into [his] criminal existence".

[44] See his *Libretto paga*, in ASTo, SR, *Tribunale di Torino*, Criminal case files, 1918, bundle 156/A.

of his descent into crime, which appears common in the autobiographies of prisoners in the early 20th century. Prisoners who admitted their guilt claimed to be essentially not responsible for their crimes, some because they were driven by hereditary psychopathologies[45], others by economic and/or socio-political pressures[46], and many because they were brainwashed by voracious and ruthless *belles dames sans merci*[47]. It is not possible to determine here whether the ideal of masculinity that emerges from these narratives mobilises a stereotype typical of the subculture of the prison population or reflects a generic view of gender relations widespread in contemporary bourgeois culture.

5. *In prison (and beyond)*

Francesco P. concluded his memoir with a long, bitter reflection on his prison experience and its impact on his future outside prison[48]. This theme is not frequently addressed in the autobiographies of prisoners preserved at the Lombroso Museum. The young man considered the attitude of the institutions towards him and his fellow prisoners to be morally demeaning. The magistrates who had judged him had, first of all, committed a grave injustice against him by sentencing him, even though he was still a minor at the time of the sentence, to serve his sentence in the Nuove prison rather than in a reformatory: "io credo perciò che i giudici si infischino del codice penale […], adesso so che "La legge è uguale per tutti, ma non tutti sono uguali per la legge"[49].

The prison institutions were worse than the already "molto scalcinata[50]" Italian justice system. Francesco P. used to sing to relieve himself

[45] See E. D'Antonio, *Il detenuto e il criminologo. Un (mancato) intervento criminologico di Cesare Lombroso in un caso criminale nella Svizzera del primo Novecento*, in A. Fadelli, P. Goi, S. Miotto (curr. by)), *Liber librum aperit. Studi in memoria di Andrea Marcon (1974-2024)*, Pordenone 2025 – publication currently in press.

[46] See, for example, Orlando P., *Mie disgrazie e peripezie della vita*, Turin, 10 September 1921, in IT/SMAUT, ML, 879/1.

[47] See, for example, Lucio F., [*Autobiography*, Turin, June 1920,] in IT SMAUT, ML, 855/1; Pasquale R., *Autobiographical notes*, Turin [1929-30], in IT/SMAUT, ML, 913/1.

[48] Francesco P., *La vita che vissi*, pp. 146-155.

[49] "I therefore believe that the judges do not care about the penal code [...], now I know that 'the law is the same for everyone, but not everyone is equal before the law".

[50] "Very shabby".

from the pains of life and the pangs of hunger, but the rules of the Nuove prison did not allow it; the prison administration, keen to enforce it, had therefore punished him several times, going so far as to threaten to tie him to the restraint bed if he did not stop singing. The prison officers were – except for one of the seventy-eight on duty at the Nuove – violent, cowardly men, ready to abuse their power over the prisoners. The guards had repeatedly searched him in a manner contrary to the regulations, stealing or destroying items belonging to him, including the memoir intended for Carrara. However, for him, the issue had much wider and more serious implications than the specific conduct of the management and prison guards.

Francesco P. believed he was in "a very critical position" because his imprisonment was not proving to be a measure of temporary social segregation but rather "the suppression of [his] future". Prison had caused him to lose eight kilograms in weight and was preventing him from working according to his "inclinations" and professional skills already acquired; the possibility of doing prison work in line with the latter was linked to the hope of not having to start his apprenticeship all over again once he was released. The young man feared that his release from prison would impose on him a process of social reintegration that would be as difficult as his professional reintegration; his mother was ill and might die, while his father might not want to see him again. The only certainties he had were that he would try to rehabilitate himself in the eyes of the world and that he would take revenge on the woman he believed to be the cause of his misfortunes.

> *[Quando] avrò finito la mia condanna, […] quella sgualdrina d'una Bianca avrà pur finito di darsi al sollazzo, non voglio mica con questo significare che io le tolga la vita, mi contenterò di toglierle i godimenti della vita, e […] la farò piegare il fiero capo sotto un nodo indissolubile, la costringerò a sposare cioè chi voglio [Io] di quella donna posseggo prove e fatti antecedenti alla mia e sua convivenza che basterebbero a segregarla per qualche paio d'anni dalla società*[51].

[51] "[When] I have served my sentence, […] that slut Bianca will have finished indulging in her pleasures. I do not mean to say that I will take her life, I will be content to take away her enjoyment of life, and […] I will make her bow her proud head under an indissoluble knot, I will force her to marry whoever I want. I have evidence and facts about that woman prior to our cohabitation that would be enough to segregate her from society for a couple of years".

Andrea Bosio

Urban crime during the Risorgimento

In recent decades, the framework of studies on crime and marginality in Italy has been enriched by several studies that have not only underscored the 19th century's fundamental importance for the creation of modern systems of repression but have also highlighted the differed scope and variety of criminal events that permeated the variegated realities of the Italian peninsula[1]. Although all the Italian regions shared specific long-standing social scourges and pauperism phenomena typical of an agricultural society of the 19th century, criminality maintained peculiar features specific to each of these realities that were determined by many factors, such as socio-economic situation, demographic size, location and, not least, the caesuras produced by historical and political events. Even the intellectuals of the time noticed and questioned the considerable differences in criminal activities between relatively neighbouring territories or under the authority of the same state power. These questions would explode in all their evidence when the process of national unification was completed. When confronted with the significant challenges that violence and disorder posed to the new unified state, authorities focused primarily on the central and southern regions and islands at the centre of extensive brigandage or, later, on certain urban realities such as Naples, where organised crime was already present[2]. Public order problems in northern Italy, which were much smaller in size and scope, went unnoticed, and only in recent times has historians' focus shifted towards

[1] J.A. Davis, *Conflict and Control: Law and Order in 19th Century Italy*, London 1988. See in general the bibliography edited by CEPOC: https://www.cepoc.it/materiali/bibliografia-nota.

[2] To learn more about Post-unification Italian brigandage, consult: A. Capone (cur.), *La prima guerra italiana. Forze e pratiche di sicurezza contro il brigantaggio nel Mezzogiorno*, Roma 2023; C. Pinto, *La guerra per il Mezzogiorno. Italiani, borbonici e briganti, 1860-1870*, Roma 2019; G. Tatasciore, *Briganti d'Italia. Storia di un immaginario romantico*, Roma 2022. About Naples: F. Barbagallo, *Storia della camorra*, Roma 2010; A. Fiore, *Camorra e polizia nella Napoli borbonica*, Napoli 2019; M. Marmo, *Il coltello e il mercato. La camorra prima e dopo l'Unità*, Roma 2011. About Sicily: F. Benigno, *La mala setta. Alle origini di mafia e camorra, 1859-1878*, Torino 2015; S. Lupo, *Storia della mafia. Dalle origini ai giorni nostri*, Roma 1993.

this topic[3], bringing a fresh perspective to the study of crime during the 19th century in Italy. Nonetheless, Turin's specific case offers multiple points of interest. On the one hand, the ancient capital of the Kingdom of Sardinia is a valuable and rich observatory for studying crime in urban realities of the Po Valley area, thanks to its well-preserved police archives. On the other hand, the brief and extraordinary political season the city experienced in the middle of the century as the "command centre" for the national unification movement resulted in significant societal changes that reverberated on criminality. Moreover, it was mainly in Turin that the Kingdom of Sardinia's ruling class inaugurated and tested the effectiveness of those institutions and law enforcement policies later transferred to the newly unified state[4].

When, in the spring of 1814, Victor Emmanuel I returned to Piedmont and restored Turin as the Kingdom of Sardinia's capital, the city was very different from the fully industrial city it would have become at the end of the century and later in the twentieth century. Except for the walls, torn down during the fifteen years of French rule, on the surface, the city appeared the same as in the previous century: a capital city of secondary importance and modest size, surrounded by a vast countryside composed mainly of fields, meadows, moors, and woods and dotted with a series of small hamlets and numerous isolated farmsteads. Its economy was essentially based on its status as the centre of power and state administration[5]. The presence of the court, the nobility, the high bureaucracy, and the most important religious institutions exerted a strong appeal, creating around the city a swarm of services and businesses that thrived because of their proximity to the elites. In all statistics compiled in the first half of the nineteenth century, workers in the service sector (servants, servers, cooks, and coachmen) occupied first place in terms of numbers employed, involving around 10 % of Turin's population, followed at some distance by merchants and shopkeepers.

[3] To learn more about Bologna, consult: S.C. Hughes, *Crime, disorder and the Risorgimento: The Politics of Policing in Bologna*, Cambridge 2002; J. Dunnage, *The Italian Police and the Rise of Fascism: a case study of the province of Bologna, 1897-1925*, Westport 1997.

[4] To learn more about Italian police history, consult: A. Azzarelli, *Polizia, crimine e ordine pubblico in epoca liberale. Il modello nazionale e il caso della Sicilia di fine Ottocento (1861-1914)*, Soveria Mannelli 2025; R.B. Jensen, *Liberty and Order: The Theory and Practice of Italian Public Security Policy, 1848 to the Crisis of the 1890s*, New York 1991; G. Tosatti, *Storia del Ministero dell'Interno. Dall'Unità alla regionalizzazione*, Bologna 2009.

[5] A.L. Cardoza - G.W. Symcox, *A history of Turin*, Torino 2006, pp. 167-168.

The more properly productive sector, on the other hand, was limited and showed almost no trace of those signs of development that connoted other more developed areas of northern Europe: apart from a very few large or medium-sized industries for the most part linked to the world of weaving or the large state monopolies, almost all processing maintained an artisanal nature, dispersed in a myriad of tiny workshops.[6] Finally, the extensive countryside surrounding the city not only represented a rich reservoir of food resources for the capital's inhabitants, but also gave many municipal areas a distinct rural character.

Accordingly, Turin's underworld of the early nineteenth century maintained the characteristics of an Old Regime agricultural society that had not yet been touched by massive industrialisation. Bloodshed was sporadic, burglary was numerically insignificant, while there was a clear prevalence of petty crimes such as street theft, pickpocketing, and swindling passers-by[7]. This criminality, perceived by contemporaries as more annoying than dangerous, was fuelled by the ubiquitous phenomena of vagrancy and begging, which, starting from the countryside, found their most active catalyst in Turin[8]. As much as the Savoyard authorities tried to thwart any unauthorised movement on their territory, they could do little to hinder these mass movements, which were connatural to the rural reality of Piedmont, marked by endemic poverty and, in many areas, by small property heavily subjected to economic downturns. According to the statistics of the time, which cannot be considered accurate, in the 1840s, there were 450,00 destitute people in the Sardinian state with a ratio of nine per hundred inhabitants, higher than in England, France, Austria, Spain and Portugal[9]. Moreover, for the peasants in the environs of Turin, once their work in the fields was over, it was customary to move temporarily to the city to seek a way to survive the winter season. Many, especially men and adults, managed to find some fallback work. However, for those unable to pick up a temporary job (due to health, age, gender or lack of professional skills concerns), there was nothing left but to rely on public and private charity or more or less legal expedients to survive.

Whereas crime in the city was generally not very dangerous, the situation in the countryside was far more turbulent. Even though the

[6] G. Gozzini, *Ceti e gruppi sociali nella Torino napoleonica*, in U. Levra (cur.), *Storia di Torino. La città nel Risorgimento (1798-1864)*, Torino 2000, VI, p. 35.

[7] A. Bosio, *Torino fuorilegge. Criminalità, ordine pubblico e giustizia nel Risorgimento*, Milano 2019, pp. 80-100.

[8] U. Levra, *L'altro volto di Torino risorgimentale 1814-1848*, Torino 1988, p. 51.

[9] Ivi, pp. 56-68.

fifteen years of French rule had wiped out the large bands of brigands that infested Piedmont, especially its southern area, the degree of instability remained high throughout the early years of the Restoration[10]. Even when the situation stabilised, armed robberies, when not outright acts of brigandage, were frequent in the countryside and reached as far as the gates of the capital. In particular, the so-called Pian dei Boschi, a small plateau on the Turin hillside, and the bridge's surroundings over the Sangone river near Moncalieri were poorly frequented, especially at night.[11]. Although fragmented, statistics compiled since the 1830s confirm the extent of these dangers. The crime of «grassazione», the name at the time for armed robbery, occupied the third place, after theft and brawling, among the most frequent crimes in the Kingdom of Sardinia and, despite the hefty penalties, it probably enjoyed a certain margin of impunity considering the not very high number of individuals convicted annually[12]. Similarly, the sixty-four murders and attempted murders recorded in Piedmont, Liguria, and Savoy in 1832, while considerably lower than those reported in Sardinia or any province of the Kingdom of the Two Sicilies, certainly did not give the impression of a pacified society or one where violence was confined to a few sporadic episodes.[13]

To cope with this problematic situation, the House of Savoy, within a few months of their return to Piedmont, opted for a continuation of the Napoleonic police apparatus. A corps of Royal Carabiners replaced the transalpine Gendarmerie, with identical composition and tasks, and the new Ministry of Police, essentially a copy of the Napoleonic «Ministère de la Police», was established[14]. Although the uprisings of 1821 later led to the abolition of the Ministry, the French-style police system was maintained. In Turin, it went alongside the Vicariato, a very ancient municipal office that Victor Emmanuel I had immediately restored upon his return to the capital at the "ideologically purest moment" of the Restoration in

[10] M. Broers, *Napoleonic imperialism and the Savoyard monarchy 1773-1821. State building in Piedmont*, New York 1997.

[11] A. Bosio, *Torino fuorilegge*, cit., p. 114.

[12] U. Levra, *L'altro volto di Torino risorgimentale 1814-1848*, cit., p. 51.

[13] State Archives of Turin (from now AST), *Alta Polizia*, Miscellanea di atti: stati del personale di polizia (1818-39), mazzo 413: stato numerico d'alcuni fra li delitti più gravi, che si commisero nelle Provincie di Terraferma durante l'anno 1832, estratto dalle Relazioni ebdomadarie.

[14] M. Broers, *De la Gendarmerie Impériale a la Carabiniere Reale. L'expérience policière piémontaise, premier exemple d'exportation du modèle français*, in J.N. Luc (cur.), *Gendarmerie, état et société au 19. Siècle. Actes du colloque organisé les 10 et 11 mars 2000 par le centre de recherches en histoire du XIXème siècle*, Paris 2002, pp. 401-409.

Piedmont[15]. This office had managed law and order in the city since the Middle Ages and, despite an extensive remit ranging from the control of markets to hygiene and building planning, had a small force of a few dozen men, which was nevertheless sufficient for a city of such modest size as the one of Turin in 1814[16].

This static scenario underwent gradual changes over the following decades. The main reason was the sustained population growth that Turin experienced over fifty years: the city went from 84,000 inhabitants in 1814 to 136,000 in 1848, with a growth that exceeded the increase in residents of the entire previous century, and then literally exploded during the pre-unification decade, reaching in a few years the symbolic quota of two hundred thousand inhabitants. This population explosion devastated the poorer urban classes as the city's productive and economic structure failed to develop at the same rate, thus producing a constant excess of labour supply that was impossible to absorb[17]. Even the economic boom of the 1850s had little effect on the living conditions of the humble classes. In Turin, these problems were accentuated by the lack of a serious urban planning policy. The residential areas built during the Restoration were reserved for the propertied classes, while the poorer inhabitants were crammed into overcrowded neighbourhoods with poor hygienic conditions[18]. Real pockets of poverty and marginalisation became easily observable in some parts of the old city and the new working-class neighbourhoods that emerged around the city. Moschino was the most striking example: born on the banks of the Po as a modest fisherman and boatman's quarter and named for its proximity to the city's sewage drains («Moschin» in Piedmontese means gnat), during the nineteenth century, it turned into a receptacle for prostitutes and miserable people. Soon, in the collective imagination, the small district became a dangerous slum where even the police dared not enter at night. Although this reputation was greatly exaggerated, the municipal council decided on its complete

[15] The definition in M. Broers, *L'ordine pubblico nella prima Restaurazione 1814-20*, in *Ombre e luci della Restaurazione in Piemonte. Trasformazioni e continuità istituzionali nei territori del Regno di Sardegna*, Roma 1997, p. 135.

[16] To learn more about Vicariato, consult: D. Balani, *Il vicario tra città e stato. L'ordine pubblico e l'annona nella Torino del Settecento*, Torino 1987; A. Bosio, *Un'istituzione di Antico Regime tra Restaurazione e riforme carlo-albertine: il Vicariato di Torino (1814-1848)*, in «Annali della Fondazione Einaudi», XLVII (2013), pp. 109-151.

[17] U. Levra, *L'altro volto di Torino risorgimentale 1814-1848*, cit., p. 64.

[18] A.L. Cardoza - G.W. Symcox, *A history of Turin*, cit., pp. 177-178.

demolition in 1872.[19].

In the absence of an efficient system of public charity, the immiseration of the working classes mainly affected groups who were traditionally most exposed to adverse circumstances, such as single women and young people without protections or valid family networks. From the 1830s, there was a considerable increase in the number of prostitutes and, especially from the following decade, a significant reduction in the average age of people arrested. In Turin, the proportion of prostitutes arrested under the age of twenty-one, which was the age set for becoming of age in the Kingdom of Sardinia, grew from 29 % to 39 %. Of this group, almost one-fifth were under sixteen, while male minors arrested rose from 33 % in 1833 to 40 % in 1846. The change was, however, primarily qualitative: crimes such as theft and pickpocketing began to be more frequent than transgressions such as begging and vagrancy[20]. For much of the Restoration, the response of the Savoyard authorities was latent. Charles Albert decided to address these issues by reforming the state prison system and opening the Generala, a correctional institution specifically for juvenile inmates. Nevertheless, the results obtained from these reforms fell short of expectations[21]. Turin continued to be traversed by young girls who prostituted themselves or gangs of boys involved in street crime, even after being interned several times in the correctional facility. Much more successful, however, were the solutions devised by Catholic circles that made Turin an extraordinary laboratory of charity, where successful initiatives were inaugurated and later exported all over the world. In 1846, in an area on the outskirts of Turin, in Valdocco, the priest Don Giovanni Bosco founded the first oratory intended for «abandoned, precarious and dangerous» young people. This experiment was the birth of the Salesian Congregation, a movement that would exert a strong modernising influence on the world of Catholic associationism[22]. In another suburban area of the city, in Borgo Dora, a decade earlier, the Marquise Giulia Falletti di Barolo had begun her charitable activities toward prostitutes and abandoned girls. Similarly, in the popular neighbourhood of San Donato in 1859, another Piedmontese aristocrat, Francesco Faà di Bruno, founded the Opera di Santa Zita, a shelter for servicewomen, a category of workers traditionally

[19] M. D'Amuri, *Le case per il popolo a Torino. Dibattiti e realizzazioni (1849-1915)*, Torino 2006, pp. 47-51.

[20] A. Bosio, *Torino fuorilegge*, cit., pp. 237-238 e p. 274.

[21] R. Audisio, *La "Generala" di Torino. Esposte, discoli, minori corrigendi (1785-1850)*, Santena 1987.

[22] P. Stella, *Don Bosco*, Bologna 2001.

very vulnerable and «in danger»[23].

The growing hardship of Turin's weaker sections of the population was inevitably reflected in the scale of crime. Although shortly before the start of the 1848 revolutions Charles Albert had been persuaded to restructure the entire police apparatus by abolishing the obsolete Vicariato, centralising the police and increasing the personnel of public safety forces, for much of the 1850s and the following decade the new police of the Kingdom of Sardinia struggled to contain the growing disorder in the capital. While in the countryside, the general improvement of the road network facilitated control of rural areas by gradually reducing the number of robbery assaults and eliminating the last bands of brigands, the situation in the city worsened dramatically. In a memoir from the summer of 1860, attorney Carlo Cerva drew similarities between Turin and the gloomy descriptions of Industrial Revolution cities:

> In this most remarkable City, although education, thanks to the care of the Government or the Administrative Authorities, has been widespread since 1848 to these days, depravity is still present in the lower segment of the society on a day-to-day basis. And truth be told, have we not long witnessed such misdeeds that aroused horror, terror, and fear in its peaceful inhabitants? [...] If not everything can be secured, there is, however, a way to assure the citizens of the tranquillity of their existence and the preservation of their property. Thanks to the railroads, robberies are no longer as frequent as in the past. Nevertheless, assaults with homicides do still happen, even in Turin itself, and what marvels the most the city's good people is the audacity of thefts committed in public stores, which are completely ransacked in the heart of the town, and in front of the eyes of the police[24].

Although the absence of precise statistics cannot substantiate these gloomy impressions, there is no doubt that between the 1840s and the 1850s, precisely at a time when the city was stepping on its key role in the Risorgimento, Turin's criminality adopted new and far more problematic and turbulent features than the measly and erratic crime of previous centuries. Cerva's memoir reported the appearance of professional criminals, especially among housebreakers and burglars. During the Restoration, those who had engaged in crime professionally were mainly

[23] To learn more about Giulia Falletti di Barolo, consult: S. Trombetta, *Punizione e carità. Carceri femminili nell'Italia dell'Ottocento*, Bologna 2004, pp. 63-100.

[24] AST, *Materie economiche*, Polizia in genere, mazzo 11, f. Polizia anno 1860: Dell'Amministrazione di Pubblica Sicurezza. Considerazione del causidico Carlo Cerva.

pickpockets or street hustlers, while criminals acting in an organised manner were rare. Since the 1850s, partially thanks to technological improvements and metallurgy developments that made burglary tools decidedly more effective, the number of gangs targeting apartments or stores increased[25]. For many affluent families, finding their homes in Turin burgled after brief absences from the city became a sad habit, especially upon returning from summer holiday. Some of these burglars greatly affected public opinion at the time: the names of Giuseppe Pavia, Pietro Bontempo, Giovanni Chianale, and especially Antonio Bruno, known as «Cit ëd Vanchija», the latter still not completely forgotten today, filled the pages of the judicial chronicles for weeks, both for the number of crimes committed and the magnitude of the thefts, often in the apartments of some of wealthiest and most important families of the city.

The second element underscored by Cerva's memoir was the sharp increase in violent crime, including not only homicides but also other forms of violence and intimidation, in clear contrast with the first decades of the century. Muggings, once almost exclusively confined to country roads, began to occur in the city centre as well, especially at night, and those that ended in injury or even murder were not uncommon[26]. The long avenues that encircled the city, the narrow streets of the old town, and the dark and foul-smelling alleys of Borgo Dora became places to stay away from, not only to avoid encountering some particularly pushy beggars. The increase in violence and bloodshed was evident. In the 1860s, the annual homicide rate in Turin fluctuated between seven and eleven murders per hundred thousand inhabitants. This rate, while lower than that of cities in central and southern Italy, was far higher than that of cities such as London and Paris, which were perceived as particularly dangerous at the time[27]. However, the increase in bloodshed, more than due to muggings, was primarily the consequence of the deterioration of a micro-conflict that had already marked Turin's working classes for centuries. The custom of going around armed with knives and the habit of spending free time getting drunk in Turin's hundreds of taverns were annually the cause of riots, brawls, and murders. However, these incidents increased exponentially with the city's population growth and the general worsening living conditions of the working class[28]. Towards the end of

[25] A. Bosio, *Torino fuorilegge*, cit., pp. 388-389.
[26] Ivi, pp. 392-395.
[27] Ivi, p. 395.
[28] Ivi, pp. 395-401.

the 1830s, police's attention began to focus on gangs of young workers who spent the evenings of public holidays in taverns or brothels and then roamed the streets shouting, insulting passersby, and sometimes assaulting and raping prostitutes or young women. In the complex political situation of those decades, the Sardinian authorities feared that, following the example of France, these youth gangs called in Piedmontese «còche» would become politicised in a radical sense, as a report by the Vicariato in 1842 suggested:

> There is continuous surveillance that my Office must conduct on the artisan classes for fear that the illicit Communist sects and similar, which are increasingly spreading among workers, especially in the south of France, in the neighbouring cantons of Switzerland, and other Italian territories close to us, may take root here. The said fears are well-founded, and the necessity of the surveillance mentioned above is proved by the recent discovery of artisans and youths' associations, who, once under the name of either Cocca del Gambero, Cocca di Po or Cocca di Portanuova, occasionally disturb the good order of this Dominant, and by the greater number of foreign workers, mainly Swiss and French, who have been appearing here for some time[29].

For this reason, the Savoy ruling class was convinced that «that great devilry» of industrialisation should be avoided, as it would have refreshed the nascent social malaise and brought to small-scale Piedmont «the misery, the turmoil, the violence of the workers in Manchester and Leeds»[30]. Even when, in the 1850s, the growing economic development of the Savoyard state led to the emergence of an embryonic industrial sector active mainly in the field of metallurgy, the governing class, and Cavour in the first place, persisted in the opinion that Piedmont should remain a primarily agricultural country[31]. This conviction became even more widespread after the failure of the revolutions of 1848, when the Kingdom of Sardinia, the only country in the Italian peninsula to have retained its constitution, became the destination for tens of thousands of exiles

[29] AST, *Materie economiche*, Vicariato di Torino, mazzo 4, f. Vicariato anno 1841: lettera del vicario al primo segretario di Stato per gli affari dell'Interno e delle Regie Finanze, 4 gennaio 1842.
[30] L. Ligorio, *Le grandi manifatture e l'industria casalinga*, in «Letture di famiglia», 13 July 1843, n. 28, p. 217.
[31] R. Audisio, *La "Generala" di Torino*, cit., pp. 91-110. About other Italian states: J.A. Davis, *Conflict and Control*, cit., pp. 171-172.

from other Italian and European states. These migratory waves, initially more tolerated than favoured by the Savoyard authorities, turned out to be fundamental to the destiny of the Kingdom of Sardinia: the exiles contributed significantly to the «Italianization» of the country's political and cultural life, influencing public debate, facilitating the consolidation of the constitutional system, and promoting the program of national unification[32]. In Turin, many writers, academics, and political figures from other Italian states found not only hospitality and lucrative employment in newspapers, at the university and in the thriving publishing industry, but also contributed significantly to the renewal of the city's life by giving it a more cosmopolitan atmosphere. However, among the thousands of exiles who settled in the capital of the Kingdom of Sardinia, only a small percentage enjoyed such privileged treatment. Most of the exiles came from the world of crafts or trade, and without special safety nets, their integration into the social and economic fabric of the city was complex[33]. Despite the assistance and support provided by the democratic left in the name of belonging to the common Italian homeland, precarious housing, significant problems of job placement, constant economic dependence on subsidies, and poor social rootedness in the city represented the everyday life of many emigrants. The Piedmontese government's attitude accentuated these problems, as it was open to favouring the integration of exiles supporting the Cavourian line but inflexible in striking down those suspected of republican ideas with convictions or police measures[34]. Moreover, the mass arrival of people regarded as foreigners was not viewed favourably by a large section of Turin society. The reactionary opposition openly claimed that Italian emigration to Piedmont was «a real power» as well as the leading cause for crime growth[35]. Especially the Lombards, who, for geographical reasons, accounted for the largest share of political emigrants, were particularly disliked and became synonymous with untrustworthy and dangerous people[36]. Although the charges against the political refugees were exaggerated, the number of «Italians» who had to deal with Savoyard justice was, however, not insignificant. Among all those accused of crimes committed in the capital and tried by the Corte d'Appello di Torino between 1848 and 1860, those born outside

[32] A.L. Cardoza - G.W. Symcox, *A history of Turin*, cit., p. 189.

[33] E. De Fort, *Esuli e migranti nel Regno Sardo. Per una storia sociale e politica del Risorgimento*, Torino 2022, pp.125-131.

[34] Ivi, pp. 74-81.

[35] G. Briano, *I piemontesi e gli emigrati*, Torino 1857.

[36] E. De Fort, *Esuli e migranti nel Regno Sardo.*, cit., p. 334.

Piedmont rose to 13 % when, in the statistics of previous decades, they were scarce. Between 1861 and 1864, in those few years when Turin was the capital of the Kingdom of Italy, they even exceeded 20 %[37].

In this rapidly changing reality, the introduction of press freedom, established definitively in the Constitution, profoundly affected the Kingdom of Sardinia. In a very short time, a strong public opinion emerged, which not only demanded to be informed about parliamentary debates, but was also interested in learning about the most minute aspects of everyday reality, often just for entertainment reasons. The world of crime and the lower classes, which had begun to fascinate literate society already during the Restoration and was brought to the fore with the publication of Eugène Sue's «Les Mystères de Paris» in 1842-43, became a subject of discussion and romance in daily life[38]. A vast production of judicial chronicles, novels, flysheets, feuilletons, and plays sprang up in Turin that elevated the criminal figure to their disturbing and fascinating protagonist, often mixing crime news with commercial needs or political polemic purposes. Sue's text was also adapted for the Piedmontese capital, and nowadays, at least two «Misteri di Torino» are known (published in 1849 and 1880), one of which was written by journalist Giuseppe Antonio Giustina, well known in the city for his judicial chronicles. His production, which lasted almost forty years, focused on major crime events in the town in the second half of the 19th century and enjoyed a fair amount of success. Some cases went directly from the courtroom to Parliament or government salons. The so-called «Cocca scandal», an affair whose contours are still partly obscure today, is perhaps the most emblematic example. It all began in May 1858 with the arrest of 20-year-old ribbon maker Vincenzo Cibolla for a petty theft. During his detention, Cibolla confessed that he and other accomplices had participated in several serious crimes that had taken place years earlier and remained hitherto unsolved, including some muggings and the murder of a nine-year-old girl who was raped and strangled in January 1857. At the end of the trial, which ended in the spring of 1860, Cibolla admitted his participation in two other murders, including that of two butchers in their home during an attempted robbery that, according to his revelations, had been planned by a high-ranking police officer, Filippo Curletti, at that time in charge of important political affairs in the southern Italian provinces newly annexed

[37] A. Bosio, *Torino fuorilegge*, cit., p. 382.

[38] R. Villa, *Percezione e consumo del crimine nella società dell'Ottocento*, in U. Levra (cur.), *La scienza e la colpa. Crimini criminali criminologi: un volto dell'Ottocento*, Milano 1985, pp. 153-158.

to the Kingdom of Sardinia. The escape of Curletti, who hastily repaired abroad and became a fugitive, scandalised the public opinion, and the newspapers of the time took advantage of this case to accuse the police and the highest ranks of the Ministry of the Interior of having allied with an imaginary society of criminals called Cocca. Although the existence of this criminal organisation was never verified and was probably an invention inspired by the recurring «còche» riots, the trial that followed ended with long prison sentences and even a death sentence. Curletti, recognised as the instigator of the attack, was sentenced in absentia to 20 years of hard labour. The clamour caused by the sentence was later heightened by the mysterious appearance of a pamphlet entitled «Revelations for J. A., former secret agent of the Count of Cavour», which described the events of the Unification as the result of machinations and intrigues. The pamphlet, whose probable author was recognised in Curletti, soon became a crucial text of reactionary propaganda, and is still read in pro-Bourbon circles[39].

The climate of intense cultural vivacity that Turin experienced during the Risorgimento suddenly ended with the capital transfer to Florence in September 1864. It was a traumatic event that eroded the city's identity. For centuries, Turin had identified itself as the capital of the House of Savoy. The heavy economic crisis caused by the relocation of the parliament, court, and all government offices further exacerbated this crisis. Despite Cavour's reforms, Turin had remained a centre of consumption with little productive activity, and the elevation of its status to the nation's capital had only accentuated these characteristics. In September 1864, one-seventh of the working population found employment in the public sector, while an additional 20 %, consisting of shopkeepers, artisans, construction tradespeople, and domestic servants, provided services to the various branches of government and state institutions[40]. The exodus of the wealthiest and most dynamic groups linked to state institutions had a painful impact on the lower and middle classes and workers who had benefited from close contact with these elites: many artisans, small merchants and luxury-goods producers went out of business, while the loss of jobs indiscriminately affected employees, domestic servants, construction workers and manual labourers in the railroad and armament plants. The population, which had grown dramatically in the previous

[39] A. Bosio, *Torino fuorilegge*, cit., pp. 407-411. Another summary of the story can be found in F. Benigno, *La mala setta*, cit., pp. 11-16.
[40] A.L. Cardoza - G.W. Symcox, *A history of Turin*, cit., pp. 197-198.

decade to over 220.000, fell within a few years to 191.500[41]. There is not enough evidence to argue that the situation of precariousness and widespread poverty following the capital's relocation produced an increase in crime in the city, as the city council itself claimed, going so far as to call for urgent measures in December 1868 and again in the summer of 1869. However, some criminal episodes of undoubted gravity contributed to this impression, nourished by the gloomy outlook the city's elite saw around them. It was precisely during this period that the aforementioned «Cit ëd Vanchija» and his gang of burglars fulfilled their criminal parable, which, almost in deference to the ending of an appendix novel, ended with the capture of the «Cit»'s companions and his escape abroad where he never made any further news about himself. Whether the criminal affair of the «Cit» was the most noteworthy of the century in Turin is hard to say: it was undoubtedly the one, together with the previously mentioned trial of the Cocca, that most impressed literary writers, including the extremely popular writer of appendix novels Carolina Invernizio, who drew inspiration from him for one of her most famous novels, «Il segreto di un bandito», published in 1898 thirty years after the events.[42].

At the beginning of the 1870s, Turin had downsized to become a large provincial city. The municipal administration realised that the only option for the city was to gradually embark on the industrial development that had hitherto been so feared for social reasons. After the initial drop, Turin showed signs of a modest revival and grew faster than the rest of the Peninsula, although less than other large cities like Milan. The renewed demographic growth could be witnessed by the change in employment opportunities and the gradual expansion of the city's industrial economy. Between 1871 and 1881, the ranks of domestic workers and artisans continued to shrink while the number of people employed in manufacturing rose by 44 %, accounting for nearly half of the increase in total population[43]. Despite its industrial growth, throughout the 19th century, Turin remained exempt from the episodes of protest and bloody repression recorded in other European cities, and the image of the worker ready to use violence to subvert order remained a latent anxiety. In the Piedmontese city, these anxieties were condensed into the figure of the «Barabbas», «fake worker» who «spits, insults, beats, stabs», «a continuous,

[41] Ivi, pp. 198-199.

[42] A. Bosio, *Le còche torinesi tra realtà storica e miti letterari*, in «Studi Piemontesi», XLI, (giugno 2012), pp. 85-93.

[43] A.L. Cardoza - G.W. Symcox, *A history of Turin*, cit., p. 200.

living protest against society and against those who are better off than him»: an anarchist with no political conscience whose figure, as the years passed by and social unrest faded, was even incorporated into the city's folklore[44]. The loss of national political centrality also reduced attention to the city's public order problems, which were not comparable to those in central and southern Italy[45]. In the last thirty years of the century, crime in Turin was of no particular concern: the city's statistics recorded an evident prevalence of crimes against property compared to episodes of violence, limited above all to brawls and drunken stabbings, while more serious crimes, including robberies or the most severe marginalisation processes, such as the one of juvenile delinquency, were gradually contained thanks to the initiatives of the previous decades and the strengthening of the police[46]. Apart from a few exceptions, even prominent burglary figures were no longer heard of, and for a trial comparable in scale and clamour to those of the 1850s-1860s, it would be necessary to wait until 1903 when the gang of Francesco Bassino and Paolo Cavalla, also known as the «gang of the fifty-five», perpetrators of almost eighty burglaries in a few years, would be tried in court. The provincialisation of the city was reflected in the city's underworld: while in the 1850s and 1860s, the number of defendants from regions other than Piedmont had been significant, from the 1870s onwards, it decreased enormously, becoming insignificant in the following decade[47]. However, in a different field, crime in Turin remained the focus of national attention. In 1876, the young university professor Cesare Lombroso moved to Turin, finding fertile ground for his original studies on atavism in the Piedmontese capital. His repeated visits to Turin's prisons would provide a wealth of material flowing into the Museum of Criminal Anthropology. At the same time, his study of the Turin cases of Luigia Sola and Giovanni Cavaglià, known as «Fusil», the authors of the murder of her lover and employer, respectively, was central to the elaboration of theories of the delinquent man and woman[48].

[44] G. Saragat, *I «barabba» in Torino*, in «Archivio per lo studio delle tradizioni popolari», XVII (1898), pp. 156-158.

[45] J.A. Davis, *Conflict and Control*, cit, especially pp. 1-187.

[46] I. Villar, *Criminalità e emarginazione*, in U. Levra (cur.), *Storia di Torino. Da capitale politica a capitale industriale (1864-1915)*, Torino 2001, VII, pp. 345-362

[47] A. Bosio, *Torino fuorilegge*, cit., p. 382.

[48] To learn more about Lombroso, consult: L. Azara - L. Tedesco (cur.), *La donna delinquente e la prostituta. L'eredità di Lombroso nella cultura e nella società italiane*, Roma 2019; D. Frigessi, *Cesare Lombroso*, Torino 2003; P. Mazzarello, *Il darwinista infedele. Lombroso e l'evoluzione*, Milano 2024; S. Montaldo, *Donne delinquenti. Il genere e la*

The tendency, however, to recognise in the physiognomy the traces of a deviant personality dated back a long time before, as confirmed by the many descriptions of delinquents that appeared in the judicial chronicles of previous decades:

> Carlo Bernocco is 27 years and a few months old. He is rather tall in stature and coarse features; he looks more like a manual worker, as is commonly said, than a gentle and mannered servant. Although it has been three years since he was imprisoned, he is not as pale as his other companions. His strong complexion and the brown skin colour overcome or at least conceal his prison sufferings. [...] His face, singularly oval, is covered by a very rare chestnut-coloured beard, and is distorted by highly developed zygomatic bones and large dark circles. His eyes are grey and glittering, and his eyelids blink frequently, apparently due to a muscular contraction. He stares, pays close attention to the speaker, and remains motionless. His gaze is distorted: at first glance, he looks stupid to those who stare at him, but they are quickly convinced otherwise when they hear him speak[49].

nascita della criminologia, Roma 2019; L. Sansone, *La galassia Lombroso*, Roma 2022.

[49] *Corte d'Assisie in Torino*, in «Gazzetta Piemontese», 20 February 1870.

Enrico Serventi Longhi

Military imprisonment during the Liberal Age: the case of Gaeta (1863-1914)

Summary: Introduction – 1. Military confinement: a scientific laboratory – 2. The Gaeta recluse after the Zanardelli reform – 3. Tensions in the Giolittian period – Conclusions.

Introduction

Historiographical reflection on the Italian penitentiary system – with a focus on civil imprisonment – has developed in recent years, partially making up the deficit accumulated when compared to studies in other countries[1]. There has been no lack of progress also in the field of research regarding military justice in Italy, which had begun to highlight its activity in peacetime too[2]. The topic has stimulated researches about the role that the army and military discipline had played in nationalising Italian society under the direction of the liberal ruling classes, during the post-unification period[3]. The specific historical studies regarding prison reality is still lagging behind[4]: only in recent times have the institutional and cultural nodes of the issue been convincingly delineated, stimulating questions and suggesting interpretations that are, in our view, on an advanced level compared to what other previous works with a legal-historical slant have accomplished[5].

[1] Cf. M. Gibson, *Italian Prisons in the Age of Positivism, 1861-1914*, New York 2019 (*Le prigioni italiane nell'età del positivismo (1861-1914),* Roma 2022).

[2] Cf. C. Latini, *Cittadini e nemici. Giustizia militare e giustizia penale in Italia tra Otto e Novecento*, Firenze 2010; N. Labanca, P.P. Rivello (edit. by), *Fonti e problemi per la storia della giustizia militare*, Torino 2004.

[3] Cf. M. Mondini*, The Nation of Mars. Esercito e nation building nell'Italia unita*, in «Storica», 20-21 (2001), pp. 209-246; M. Rovinello, *Tra Marte ed Athena. Italian military justice in peacetime (1861-1914)*, in «Ricerche di Storia Politica», 3 (2011), pp. 325-348.

[4] S. Montaldo, *Cesare Lombroso, l'antropologia criminale e la Grande Guerra*, in M. Scavino (edit. by), *Torino nella Grande Guerra. Società, politica, cultura*, Torino 2017, p. 93.

[5] Cf. C. Latini*, Soldati delinquent, scienza giuridica e processi penali militari nell'Italia unita*, in «Historia et ius», 2 (2012), Paper 12, pp. 1-13; Id., *"Una società armata". La giustizia penale militare e le libertà nei secoli XIX-XX,* in F. Colao, L. Lacchè, C. Storti (edit. by), *Giustizia penale e politica in Italia tra Otto e Novecento. Modelli ed esperienze tra integrazione e conflitto*, Milano 2015, pp. 29-60.

This essay focuses on the period prior to the Great War, identifying in the scientific and cultural debate, resulting from the political-ideological confrontation over the reality of military confinement in the liberal age, the central elements of a process of reshaping the perception of the military and the prison that reflected throughout the twentieth century. The topic of military confinement, on the other hand, concerns not only the rules governing its operation or its underlying legal and political cultures, but also involves those places where concretely the lives of inmates, probation officers and administrative personnel unfolded. With this essay, aware that this is a first stage of a research still in progress, we will focus on the establishment that has become in the last century the emblem of the dehumanization of the prison system: the Gaeta Castle.

1. *Military confinement: a scientific laboratory*

At the dawn of the unified state, the framework of the military penitentiary system, like most of the administrative structures of the time, intended to place itself in the wake of the Savoy tradition and, at least in part, mark a discontinuity with previous regulatory devices. Not only that. The logic inherent in the disciplinary system and the very operation of military penal establishments linked with the historical events of the Risorgimento and with a modernizing conception of institutions[6].

Following the new Penal Code promulgated by Victor Emmanuel II on the 1rst of October, 1859 -characterized in particular by the suppression of corporal punishment[7] - there had been a multiplication of branches established alongside the main Fort of Savona at least until 1866, in the midst of the Second and Third Wars of Independence and the civil and military conflicts that arose during the troubled birth of the unified state. Particularly prominent among those new detention facilities was the Gaeta branch, housed in some of the buildings attached to the old military citadel, which had just been reestablished after the notorious siege of 1860-61: opened in 1863, the establishment soon became an

[6] Cf. L. Torres, *Storia della reclusione militare e corpo moschettieri,* in *Studi Storico-Militari 2001*, Roma 2004, pp. 437-506.

[7] P.P. Rivello*, La giustizia penale militare ed i codici penali militari sotto il Regno di Sardegna*, in *Fonti e problemi per la storia della giustizia militare*, cit. pp. 95 ff.; M. Rovinello*, Una giustizia senza storia? I codici penali militari nell'Italia liberale*, in «Le Carte e la Storia», (2012), pp. 60 ff.

important landmark of the military penal system, by virtue of its more central and better accessible location than other places[8].

Legal-historical studies have emphasized how in the post-unification period a rethinking of the conditions of penal establishments, especially civilian ones, was taking place at the governmental, parliamentary and scientific levels and at the various spheres of the judiciary, consistent with the image of administrative modernization that the new state intended to restore[9] . However, in the multiplicity of actors who contributed to that intense effort to renew the penitentiary institution in the post-unification era, very few personalities emerged who dealt with the specific sphere of military justice and the penal system related to it[10].

Prominent among the voices that emerged was that of Milanese scholar Antonio Buccellati, born in 1831: a seminarian, ordained priest and law graduate from the University of Pavia, where he became a professor of canon law, before becoming the promoter of important studies in criminal law and, in particular, in the specific branch of the army code. Moving between the classical school and the positive school, Buccellati sought to apply to the specific space of military detention his own synthesis between the modernizing instances emerging from new scientific approaches aimed at the moral and spiritual reeducation of the detainee and a well-established conception of afflictive punishment as retribution, necessary to sanction the 'harm' done and reintegrate the legal order[11].

Buccellati's papers, read in 1872 at the meetings at the Istituto Lombardo di Scienze e Lettere – of which he was an eminent member – remained for a long time the only 'scientific' reference about military penal culture, so much so that they were widely reproduced in the *Rivista di Discipline Carcerarie*, precisely because of their uniqueness. The journal, edited by Beltrani Scalia, had sprung up the previous year claiming an explicitly positivist slant[12]: within the framework of a critical

[8] *Corpo disciplinare e Stabilimenti militari di pena*, in «Rivista di Discipline Carcerarie», X (1880), p. 72.

[9] On the legal debate of the time cf. M. Gibson, *Le prigioni italiane nell'età del positivismo (1861-1914)*, Rome 2022.

[10] Cf. F. Bellazzi, *Prigioni e prigionieri nel Regno d'Italia*, Florence 1866, and Filippo Conti, then secretary at the Ministry of War, in *Studio comparativo del nuovo codice penale militare germanico con quello per l'esercito italiano*, in «Rivista militare italiana», 3 (1872), pp. 137-178.

[11] On Buccellati's legal conception, cf. A. Santangelo Cordani, *Alla vigilia del codice Zanardelli: Antonio Buccellati e la riforma penale nell'Italia postunitaria*, Milano 2008.

[12] M. Beltrani Scalia, *Programma*, in «Rivista di Discipline Carcerarie», I (1871), pp. 3-10.

approach, aimed at the overall reform of prison institutions, Buccellati's notes served to grasp the specificities of the military sphere, despite the fact that some of the scholar's more 'classical' and traditional perspectives strayed from the journal's editorial line. The main meeting point was, in line with positive school considerations, the particular attention paid to the conditions of prisoners, which revealed the prominence of spiritual factors and the declination in psychological and anthropological terms of the rehabilitation process:

> Ad un esame generale *sullo scopo*, l'*ordine gerarchico* ed il *regime interno* della reclusione militare, ritiene dietro, per il completo acquisto della nozione *reclusione militare*, una più minuta disanima della vita intima del detenuto, che è quanto dire, della *cura morale, igienica, economica*. Fra la cura morale ed igienica, noi oseremo porre di mezzo lo studio *psicologico* del delinquente. I mezzi che servono alla cura morale dei condannati sono: la *religione*, l'*insegnamento*, i *premi* e i *castighi*, ed il *lavoro*[13].

On the experiential level, Buccellati's attention turned particularly to the context of the Savona military confinement, whose modern conduct he unsparingly praised. The main innovation the professor highlighted was the attention that, from "the very first presentation in the establishment," was paid to the mental state of the detainee.[14] That initial verification of the inmate's psychological condition was followed by a rehabilitation course based first and foremost on schooling and the recovery of a religious sense to be cultivated through the habit of personal prayer, which would be followed by sacraments and catechisms.

In fact, what emerged from Buccellati's studies and their reception in the penal debate filtered through Beltrani Scalia's journal was an underlying admiration for the military prison's mode of leadership, which was already considered superior in itself to civilian imprisonment by virtue of its connection with the 'sacred' institution par excellence: the army.

[13] "In addition to a general examination *of the purpose*, *hierarchical order* and *internal regime* of military confinement, he considers behind, for the complete acquisition of the notion *military confinement*, a more minute scrutiny of the inmate's intimate life, which is as much as to say, of *moral, hygienic, economic care*. Between moral and hygienic care, we dare to place the *psychological* study of the delinquent in the middle. The means that serve the moral care of convicts are: *religion*, *teaching*, *rewards* and *punishments*, and *work*". A. Buccellati*, Reclusione militare. Cura morale, igienica ed economica dei reclusi. Memoria del prof. Antonio Buccellati, letta nelle adunanze del 18 aprile, e 4 e 18 luglio 1872*, Milano 1874, p. 29.

[14] Ivi, p. 55.

The exaltation of the union of two 'total' institutions (army and prison) stemmed from the complexity of the moral task that the new ethical state had to fulfil: that of aspiring to the education and spiritual growth of the masses. Punishment itself thus became a terrain in which to measure the effectiveness of the army's pedagogical task and, consequently, a necessary tool for advancing the process of nationalization in the Kingdom.

The superiority of military detention over civilian detention also resulted from the system of rewards and punishments on which the re-education of the condemned prisoner was based: in the face of an often unbridgeable distance between those who would have liked to privilege only a reward approach and those only the rational force of punishment, it was precisely military prisons that prospected, according to Buccellati, a commendable – and preferable – middle ground. In fact, the *mixed system* was articulated in a differentiated range of punishments and rewards, comprising the latter either promotion or assignment to special categories (foremen, scribes, orderlies) or an extraordinary *mercede* to laborers, up to the proposal of "sovereign grace"[15].

In the balance between rewards and punishments laid, according to Buccellati, the best feature of military confinement, where the "hope" of reward was encouraged while not forgetting the "fear" of punishment. To this end, Buccellati also emphasized the importance of prison labor, describing it as far more efficient, remunerative and useful than that of common prisons, precisely because of the contribution it made to the spiritual growth of the citizen: this, by becoming a soldier and eventually also passing through a detention context capable of eliminating his vices, would introject what for Buccellati was the fundamental virtue of obedience to State authority.

Buccellati's perspective, although evidently conditioned by a hierarchy of traditional values, nevertheless opened a window on a reality otherwise barely visible in legal science. Following the publication of those groundbreaking reflections in *Rivista di Discipline Carcerarie*, Beltrani Scalia also decided to devote editorial space to illustrating the functioning of military penal establishments, filling, in his own words, "a gap in our Review"[16] . Thus, beginning in 1880, recurrent articles returned to military confinement, even indicating the number of inmates and their employment. The goods manufactured by prison labor were shown to the public at various national exhibitions, which served to showcase above all the "cult of the beautiful" and the "progress of the arts" of which the

[15] Ivi, pp. 34-38.

[16] *Stabilimenti penali militari*, in «Rivista di Discipline Carcerarie», X (1880), p. 173.

production of military recluses would be an expression[17] . Alongside the one in Savona, the military branch in Gaeta, where workshops of weavers, ironworkers, tinsmiths, tailors and shoemakers were active and produced exclusively for the service of the Royal Army, was also counted as an extraordinary example. The "progressive and wonderful" economic development of military recluses found consecration in the Third International Prison Congress of 1885, when the very products made in the Savona and Gaeta factories were exhibited[18].

The laudatory intention that transpired from the reports and correspondences concerning military recluses concealed the daily tensions that were already beginning to be felt inside the walls. The question about the *real* conditions of punishment thus emerged in a later time, representing equally the telltale sign of a change taking place, connected with the increased diffusion of criticism directed at institutions considered untouchable in other times. For the time being, pathological-criminal studies aimed at improving the means of detecting degenerative, 'morbid' and 'abnormal' cases and advancing a reform of army discipline capable of incorporating innovations in the medical-scientific field. In order to more effectively protect the consortium from the vices that compulsory and mass conscription fatally brought from outside, these proposals accentuated even in the field of military confinement; on the other hand, the constant revelation of personal and collective tragedies intimately connected with life in the army fostered an ideological strain, albeit not without anti-militarist veins, that advanced its blame on the military institution itself. As Silvano Montaldo suggests, this ambivalence was not necessarily at odds with the *ratio* of the exaltation of military detention. On the contrary, it linked to the emerging ideological paradigms those cognitive and reforming instances inherent in much of the scientific universe of the time, which presented itself as *neutral* when aimed at the efficiency of the institution, or *militant* when moved to overcome it[19]. The reform thrust emerged in one sense or another decidedly accentuated.

The military institution began to be singled out as a pathogenic factor, apt more than others not to educate to civilian life, but to habituate to violence and unleash otherwise latent tensions in society. There was also no lack of a watchful look at the resulting detention patterns, perceived, in discontinuity with the examples suggested by Buccellati, as a brutalization

[17] Ivi, p. 174.

[18] III. International Penitentiary Congress, *Catalogo della esposizione industriale e della esposizione dei tipi di celle*, *ecc.*, Roma 1885, pp. 58-60.

[19] S. Montaldo, *Cesare Lombroso, l'antropologia criminale e la Grande Guerra,* in *Torino nella Grande Guerra*, cit., p. 101.

of the sphere of individual autonomy and as an obstacle to the process of human emancipation of which the nation-state was struggling to be the standard bearer[20].

The most important study of military criminal anthropology, which intended to go beyond Buccellati's classical school suggestions and refer to the new scientific orientations, was carried out by Pietro Brancaleone-Ribaudo, a medical captain and professor at the University of Palermo. His reflections on the subject were stimulated, as he argued, by "[dal] l'aumento straordinario osservato nella criminalità militare dell'esercito italiano" and by "[dal]la prevalenza di un falso concetto politico, che esige di vere avvolto nel più assoluto mistero tutto quanto riguarda la criminalità dell'esercito, pel quale una grande maggioranza reputa miglior partito il silenzio"[21]. Brancaleone-Ribaudo studied military inmates in prisons and military houses of punishment, focusing particularly on those housed in Savona and Gaeta, in whom he traced the characteristic features of specific dysfunctions (epilepsy, etc.) that confirmed the general clinical and taxonomic framework of his work.

Studies that, while insisting on the abnormal character of the prison population, aimed to shed light on a world otherwise hidden behind the mask of honor and nationhood, were increasingly joined by comments from outside observers who questioned the very social legitimacy of a body – the military – deemed far too refractory to the country's process of civilization[22]. The debate on the limits of military consortium, well reconstructed by Marco Rovinello's studies, later intersected with major controversies of the time, from the Dreyfus *affaire* in France to the repression of the 1898 uprisings in Italy, integrating with more properly political-ideological issues, to which military culture itself no longer remained foreign[23].

[20] C. Lombroso, *Misdea e la nuova scuola penale*, Torino 1884. Cf. L. Lucchini, *Soldati delinquenti: giudici e carnefici*, Bologna 1884; L. Bianchi, *Cesare Lombroso, Misdea e la nuova scuola penale*, Torino 1885. On the spread of studies on 'misdeism' see the bibliography listed in a note by E. Ferri, *Sociologia criminale*, Torino 1900, p. 225.

[21] "The extraordinary increase observed in military criminality in the Italian army"; "the prevalence of a false political concept, which demands to see everything concerning army criminality shrouded in absolute mystery, for which a large majority considers silence to be the best party". P. Brancaleone-Ribaudo, *Studio antropologico del militare delinquente*, Palermo 1893, p. 4.

[22] E. Morselli, *Il Misdeismo nell'esercito*, in «La Scuola positiva nella giurisprudenza penale», 4 (1894), pp. 953-958; G. Ferrero, *L'Europa giovane: studi e viaggi nei paesi del nord*, Milano 1898; G. Sergi, *Sulla decadenza delle nazioni latine*, Torino 1900.

[23] M. Rovinello, *"Giuro di essere fedele al Re ed a' suoi reali successori". Disciplina milita-*

2. *The Gaeta recluse after the Zanardelli reform*

The nature and organization of military prisons, as seen, were being redefined in the last decade of the 19th century. At that time, the military detention model was elevated – thanks to the attestations of a whole generation of scholars, administrators and observers – as a virtuous example of redemption and commitment, which had initially represented in itself a significant step forward in the context of the crisis of the penal bath institution.

The Gaeta branch, already the privileged object of the scholarly studies we have passed over in examination, before the nineties was housed in the S. Angelo Barrack, a structure adjacent to but outside the Angevin Castle, at that time still the site of the most important – and cumbersome – penal bathhouse in the Kingdom. In 1891, as a result of the Zanardelli reform, the Gaeta penal bathhouse was closed, becoming, in keeping with the spirit of the law, a House of Correction and Detention, or civil reclusion. The change of use posed new challenges, first and foremost that of solving the problem of *physically* replacing a large prison population – the "coatti" – with another – the *normal* inmates: this was an operation that, involving hundreds of inmates in a limited time, posed quite a few logistical problems and was solved only by effective coordination between central and local authorities, as well as between armed forces and civilians[24].

The first director of the new civil penal branch, Federico Teodoro, who had come from the direction of the Montesarchio Penal House and transferred to Gaeta on the 3rd of November 1890, immediately denounced the inadequate preparation of the office staff and janitors, who were still marked by the discipline of the penal bath. At the same time, once the operational phase of the transition to civilian confinement was under way, the management grasped the problematic absence of employment of inmates. The tensions that swirled in the new prison house were no longer due to forced labor, but rather, paradoxically, "all'ozio, quasi generale, che per mancanza di lavoro si lamenta; al grande numero di

re, civilizzazione e nazionalizzazione nell'Italia liberale, in «Storica», 17, 49 (2011), pp. 95-140; Id., *Fra servitù e servizio: storia della leva in Italia dall'Unità alla grande guerra*, Roma 2020. On the impact of the Dreyfus *affaire* on the debate for the renewal of the army in Italy as well, see E. Serventi Longhi*, Il dramma di un'epoca. L'affaire Dreyfus e la stampa italiana di fine Ottocento*, Roma 2022, pp. 275 ff.

[24] See the note of the Prefecture of the Province of Terra di Lavoro, October 17, 1890, in State Archives of Caserta, Atti amministrativi, cat. 17, b. 100, fasc. 944, Trasformazione del Bagno Penale di Gaeta in Casa di Correzione.

condannati di pessima condotta, camorristi, ex domiciliati coatti, ecc. i quali s'impongono alla massa ignorante dei loro compagni"[25]. The return of punishment practices such as *messa ai ferri* with only bread and water and the administration problems highlighted how, on the concrete level, the principles expressed by the Zanardelli reform were struggling to occur, accentuating the gap between the reality of recluses and political rhetoric or the principles of doctrine.

After a few attempts to identify possible new functions for the civilian imprisonment, there was a realization of the endemic inefficiency of an institution operating in a context, that of Gaeta, which, while advantageous by virtue of its geographic location, made *civilian* prison production unprofitable because it was embedded in a depressed and unreceptive economic reality: an effect that seemed, on the other hand, not to touch the military prison, which continued to function admirably in the barracks next door. After a few more episodes of revolt, the need arose to revive the productive dimension precisely by intensifying its relationship with the nearby military facility. In July 1901 Minister San Martino passed 'alla chetichella' – with 100 votes against and after a long and particularly strong controversy on the part of radicals and socialists over the costs of the reform – the so-called "concentration" law, which moved the main military prison – with the annexed printing press – from Savona to Gaeta, to which the General Command of military penal establishments was also assigned.

The reason for suggesting the reform was thus primarily economic, in the face of increasingly high costs of maintaining prison establishments[26] . The new *Instructions for the Administration of Military Penalty Establishments* came into effect on the 1rst of January, 1902[27]: the 2nd Gaeta penitentiary – as the new detention facility housed in a part of the Angevin Castle was called – was annexed to the tailor, milkman, tinsmith, shoemaker, blacksmith-ironmaker and carpenter workshops that had remained ineffective in previous years, while a printing press was added to print

[25] "The idleness, almost general, which for lack of work complains; the large number of convicts of very bad conduct, camorrists, former forced domiciles, etc., who impose themselves on the ignorant mass of their fellows." Note from the Prefecture of the Province of Terra di Lavoro, September 26, 1891, in State Archives of Caserta, Atti amministrativi, cat. 17, b. 100, fasc. 950, Disorders that occurred in the Gaeta Penal House.

[26] Cf. Minister Santo Martino's report of March 1891, reported by Sylva Viviani, *Ammutinamenti e reclusori militari con relative spese inutili*, in «Avanti!», Jan. 27, 1904.

[27] *Amministrazione e contabilità. Istruzioni per l'amministrazione degli stabilimenti militari di pena, 22 dicembre 1901*, in «Giornale Militare», 1902, pp. 125-134.

forms needed by the military administration, so as to employ both new military prisoners and 'old' civilian inmates.

3. *Tensions in the Giolittian period*

Organizational adjustments clearly did not serve to maintain serenity in prison institutions, generating, however, partly because of the intermingling that the 'concentration' reform had created, an increasingly close contamination between the problems of civilian detention and those of military confinement. In a national context in which conflicts and tragedies were multiplying[28], in 1904 a military man, Major Di Nuccio, was appointed commander of the Gaeta prison. In a few weeks of strict direction of the reclusion, the officer generated a situation defined by various chronicles of the time as uncontrollable[29] . The core of the problem emerged from various testimonies inside the facility: "quando un militare qualsiasi per un futile motivo (come l'avere le scarpe non perfettamente lustre, il camminare con le mani in tasca ecc.) venisse da un suo superiore condannato alla prigione, esso veniva preso immediatamente dai militari del personale di governo e portato alla prigione a furia di spinte, di pugni, di calci"[30]. The increased aggressiveness of the government staff was consequent to two sensational prison riots, which occurred between 1903 and 1904, in which some anarchist prisoners were first protagonists. Prominent among them was the case of a soldier-anarchist, Medoro Ellandri, whose guilt allegedly boiled down – at least according to the defendant's account – in throwing a book at a prison wall in anger, causing pieces of rubble to fall on two officers. The sentence he suffered, to seven years in prison, was denounced in the leading socialist newspaper as the result of "Ebbene, – continued *L'Avanti!* – noi diciamo che tutto questo è

[28] See the case concerning the death of inmate Giacomo D'Angelo in Regina Coeli prison, in M. Gibson*, Italian Prisons in the Age of Positivism*, cit., p. 159.

[29] *Accuse contro il direttore del reclusorio di Gaeta*, in «Corriere della Sera», Jan. 25, 1904*; Le accuse contro il direttore del reclusorio di Gaeta*, in «Corriere della Sera», Jan. 26, 1904; *L'inchiesta nel reclusorio di Gaeta*, in «Corriere della Sera», Jan. 27, 1904.

[30] "When any serviceman for a futile reason (such as having his shoes not perfectly shined, walking with his hands in his pockets, etc.) was sentenced to prison by his superior, he was immediately seized by the military of the government staff and taken to the prison by thrusts, punches, and kicks." *Ferocie militaresche*, in «Avanti!», Jan. 8, 1904.

semplicemente inumano, inumano, inumano!"[31] . The Ellandri affair was also reported by some European socialist periodicals, reflecting the growth of an anti-militarist sentiment that identified precisely in military recluses the most authentic face of the typical repression of modern states[32].

The events in question are particularly interesting from our point of view because they reveal the development of a sentiment of self-determination among the prison population that was evidently the child of a process of politicization taking place in the military world as well. Indeed, chronicles of the time recount that "siccome il tumulto prendeva gravi proporzioni, furono subito chiusi i cancelli di sicurezza dei vari dormitori, riuscendo a dividere in gruppi i rivoltosi. La rivolta continuò per tutto il giorno e la notte. Oggi la ribellione continua, né accenna a finire." The inmate-occupiers went so far as to set up a stage in their dormitory: "Sul palco alcuni recitarono commedie che contenevano frizzi all'indirizzo del comandante e di altri ufficiali, suscitando le risa e i battimani di tutti i reclusi presenti."[33] . The inmates even put on a play to mock the government staff and management, "Indisciplinati, ma artisti!" wrote *L'Avanti!* .[34]

At the end of a series of trials accompanied by further grievances and violence, there were severe consequences for many inmates involved in the uprisings[35] . The court case, on the other hand, did not have immediate institutional repercussions, but nevertheless served to give breathing space to a campaign against the reality of "bolgie [sic!] carcerarie militari."[36]. First, the attitude of the "Government Personnel," as the 'vigilantes' were formally called, or, according to anarchist and socialist newspapers, "l'accolita di tutti i questurini-nati, che arruolati nel regio esercito, si offrono poi volontariamente come guardiani dei reclusori militari," was denounced. That of the custodial staff was a delicate and "painful" office

[31]"The survival of barbaric traditions. "Well, we say that all this is simply inhuman, inhuman, inhuman!"; *Una condanna militare enorme*, in «Avanti!», Jan. 24, 1904.

[32] See correspondences in «Volksstimme», Jan. 27, 1904, and in «La Revista Blanca», Nov. 3, 1904.

[33]"As the tumult took serious proportions, the security gates of the various dormitories were immediately closed, managing to divide the rioters into groups. The riot continued throughout the day and night. Today the rebellion continues, nor does it show any sign of ending". "On the stage some recited plays containing frizzies at the commander and other officers, arousing the laughter and clapping of all the inmates present". *L'ammutinamento al reclusorio di Gaeta*, in «Corriere della Sera», March 2, 1904.

[34] "Undisciplined, but artists!"; *Ciò che succede nel mondo*, in «Avanti!», Mar. 4, 1904.

[35] E. Guarino, *L'ammutinamento al reclusorio di Gaeta*, in «Avanti!», Jan. 12, 1904.

[36] *Nelle bolgie* [sic!] *carcerarie militari*, in «Avanti!», Jan. 30, 1904.

that - according to other commentators - could have been better exercised, instead of remaining "uno sfogatoio degli istinti più cattivi"[37].

The socialist press devoted itself to recounting the realities of "questa mostruosa mutilazione del diritto comune moderno"[38] , namely the military confinement, which in the Extreme's depiction assumed an even more nefarious role than the rest of the penal institutions. In it, most of the punished who had committed crimes attributable to normal delinquency – such as theft, camorre and the like – were intermingled with military offenders of a properly political nature, such as deserters and insubordinates; the expense, far from confirming that picture of efficiency described by 'scientists' and government men, was double that of ordinary recluses and not justified by the number of inmates. The reality of Gaeta in turn became by far the most negative example: there "la disciplina è ancora più rigida, il lavoro più faticoso, più produttivo e magramente ricompensato"; more severe and frequent are the punishments because "l'abiezione continua genera il malumore e la irascibilità dei caratteri"[39] .

Government bodies held an ambiguous attitude, partly hard, partly accommodating, where cases to be repressed were handled, despite heavy sentences, in a manner conform to a prison policy that was becoming more sensitive to the pressures of an increasingly unquiet public opinion. Once the trials were over, the ministries involved began to call on the directors of prisons, including military prisons, to use more patience and tolerance toward inmates; to avoid exacerbating relations and to be inspired, rather than by a logic of iron discipline, by feelings of mercy and humanity.

The first result of this wave of protests, revolts and complaints was the approval by royal decree April 21, 1904, of the new regulations for military penal establishments[40] . The ambivalent note of the new regulation for military penalty establishments is well summarized by *Il Digesto Italiano* of those years. On the one hand, the special character of

[37]"The acolyte of all natural born cops, who enlisted in the royal army and then volunteered as guardians of military recluses." "An outlet for the nastiest instincts". *"Personale Governativo*," in «Avanti!», February 7, 1898.

[38] "This monstrous mutilation of modern common law". S. Viviani*, I disordini militari*, in «Avanti!», March 11, 1904.

[39]"Discipline is even more rigid, work more strenuous, more productive and meagerly rewarded". "Continual abjection breeds bad temper and irascibility of character". *Nelle bolgie [sic!] carcerarie militari*, in "Avanti!", January 30, 1904.

[40] L. Pasculli*, Rieducazione e pena militare,* Padova 2006, pp. 185-186. On the regulation of 1904, see V. Manzini*, Military Criminal Law, II ed. aggiornata con i codici del 1930,* Padova 1932. The decree was followed by the amnesty granted on the 17th of September 1904, cf. Official Gazette No. 227, September 29, 1904, pp. 4718-4719.

the military penal code, as distinct from normal penitentiary discipline, was confirmed:

> Ma è veramente necessario un codice punitivo militare? Quasi tutti gli autori rispondono affermativamente, in quanto alcuni fatti che nel delitto comune sono soggetti a pena, devono, per la necessità della disciplina delle armi, esser invece puniti quando siano compiuti da militari, e in quanto per alcuni reati la qualità di militari costituisce un'aggravante così speciale da non poter essere riunita alle altre circostanze che rendono più rigorosa la pena anche nel diritto comune[41].

The specificity of military punishment remained safe and justified precisely by conceiving a crime committed while wearing a uniform as an injury to the very body of the nation; which would have merited the strictest severity:

> La disciplina degli stabilimenti penali militari è naturalmente rigorosissima e le sanzioni relative sono i turni di fatica, la sospensione dei supplementi vitto e tabacco, la prigione semplice, di rigore, di rigore con ferri, e le celle d'isolamento. In caso d'ammutinamento o pericolo di violenze è ammessa l'applicazione dei ferri corti, manette e cinture di sicurezza[42].

On the other hand, the more liberal conception of the notion of punishment was finally accepted, even in military prison doctrine:

> Lo scopo da raggiungere non è tanto quello di punire, quanto l'altro ben più elevato e importante di educare e di riabilitare e ciò non

[41] "But is a military punitive code really necessary? Almost all authors answer in the affirmative, inasmuch as some acts that in the common crime are subject to punishment, must, because of the necessity of the discipline of arms, be punished instead when they are carried out by military personnel, and inasmuch as for some crimes the quality of military personnel constitutes an aggravating circumstance so special that it cannot be united with the other circumstances that make punishment more rigorous even in the common law". A. Gilardoni, entry *Militari*, in *Il Digesto Italiano. Enciclopedia metodica e alfabetica di legislazione, dottrina e giurisprudenza* (directed by Luigi Lucchini, Volume XV, part two, Torino 1904-1911, p. 180.

[42] "The discipline of military penal establishments is of course most rigorous, and the relative penalties are fatigue shifts, suspension of food and tobacco supplements, simple prison, rigorous prison with irons, and solitary confinement cells. In case of mutiny or danger of violence, the application of short irons, handcuffs and seatbelts is permitted". Ivi, p. 189.

> con la semplice coercizione, ma con l'esercizio dell'assistenza morale lontana da ogni asprezza e ogni disprezzo[43].

The final closure of the civil recluse in Gaeta, which took place in 1906, was accelerated, also in order to mitigate tensions among the inmates. The penitentiary conversion practices lasted a few months. On the 1st of February 1907, new premises were opened in the Angevin Castle, enlarging the space of the Gaeta branch[44] . The administrative rearrangement was accompanied by the publication of a new disciplinary regulation in the same year, which was distinguished by a further and stricter warning against any political manifestations of the military on the one hand, and by the confirmation of the substantial mitigation of the punitive regime on the other. The legislature emphasized the fact that punishment should be "adoperata con grande ponderatezza, con molto tatto, con giusta misura, in base alla conoscenza che il superiore è in obbligo di avere dei propri dipendenti", in order to preserve its effectiveness. It called, then, the director to avoid arbitrary attitudes, insulting or resentful expressions, and any kind of provocation, resorting to punishment only in extreme cases[45].

The result was the substantial stabilization of prison conditions in Gaeta, marked also by a softer attitude of government personnel, in accordance with explicit recommendations of successive liberal governments. Before the Great War there was no shortage of other episodes in the news, such as some escapes[46], but there were no other moments of collective protest.

The Castle, which was becoming a full-fledged military prison, was designated to house deportees in October 1911, in the aftermath of the Sciara Sciat conflict. The "Colonia arrestati arabi" housed nearly 700

[43] "The purpose to be achieved is not so much that of punishment, but the much higher and more important other of educating and rehabilitating, and this not by mere coercion, but by the exercise of moral assistance far removed from all harshness and contempt". Ivi, p. 186.

[44] L. Torres, *Storia della reclusione militare*, cit. p. 467.

[45] "Employed with great thoughtfulness, with much tact, with just measure, according to the knowledge which the superior officer is bound to have of his employees". Ministry of War, *Regolamento di disciplina militare per il Regio Esercito*, Rome, Voghera, 1907. See the considerations of P. Verri, *Le regole della disciplina militare in Italia nell'epoca moderna e contemporanea*, supplement to No. 1-2 of the «Rassegna della Giustizia Militare», 1977, pp. 78 and 84. On the 1907 regulations, see also M. Rovinello, *"Giuro di essere Fedele al Re ed a' suoi reali successori"*, cit. pp. 130 ff.

[46] *Quattro soldati evasi dal carcere militare di Gaeta e Due lombardi tra i reclusi fuggiti da Gaeta*, in «Corriere della Sera», Jan. 2, 1914 and Nov. 5, 1914.

inmates out of a total of 3,000[47]. It was the last occasion of non-directly military management in the Gaeta establishment, which we therefore propose to explore elsewhere because it opens up further specificities in the models of management of prison populations. After the closure of the colony intended for the Arabs in November 1912, the facility was permanently militarized, eventually being made available to the Ministry of War and the General Staff in the years of the Great War.

Conclusions

From the studies conducted on the subject, a substantial continuity in the methods of management of the military prison institution has emerged between the pre-unification, liberal, fascist and republican periods, based on a basic immutability in the mechanisms of penal repression and the dysfunctional and arbitrary nature of the penal system linked to the army[48]. In the context of liberal Italy, the concrete reality remained marked by the weight of the double isolation of the military prisoner from civilian society and army corps and the tendency on the part of institutions to extinguish instances of renewal rather than guide them toward systemic reform.

A more specific analysis of the reality of military confinement, also based on the study of specific cases such as Gaeta's, more adequately reveals its greater complexity. It identifies, beyond the slowness of reformatory interventions, the permeability of political and military institutions to the tensions of modernity and democracy, the development of new scientific trends and the new ethical, political and ideological orientations that were spreading among public opinion. The agitation to achieve the civilianization of military justice and push for the abolition of military penal establishments remained, at the turn of the century, pretty ineffectual, but, partly by virtue of the growth of a reforming culture and

[47] Cf. S. Hasan Sury, G. Malgeri (edit. by) *Gli esiliati libici nel periodo coloniale (1911-1916),* Roma 2005; M. Missori, *Una ricerca sui deportati libici nelle carte dell'Archivio centrale dello Stato*, in *Fonti e problemi della politica coloniale italiana: atti del convegno, Taormina-Messina, 23-29 Ottobre, 1989*, Rome 1996, pp. 253-358. C. Moffa*, I deportati libici della guerra*, Torino 1990; A. Del Boca, *Gli italiani in Libia*, Milano 2010 (first ed. 1993), p. 115.

[48] Cf. G. Neppi Modona*, Carcere e società civile*, in *Storia d'Italia*, vol. 5, I documenti, Torino 1973, pp. 1903-1998.

the sedimentation of a more radical anti-militarist sentiment, it became an integral part of those dramatic twentieth-century events that culminated in the battle for the conscientious objection law.

Anthony Santilli

Governing Punishment through the Bagni Penali*: Gaeta, Santo Stefano, and the Making of Carceral Order in Nineteenth-Century Italy*

Summary: Introduction – 1. *Bagni* in Reformist Discourse – 2. Beyond the Discourse: Governing the *Bagni* between Reform and Inertia – 3. Gaeta and Santo Stefano between continuity and prison reconfigurations – Conclusions.

Introduction

In recent years, the historiography of detention in the modern age has undergone significant developments, progressively shifting its focus from general legal norms and reformist theories to the concrete practices, spatial configurations, institutional apparatuses, and material contexts of punishment. Within this renewed interpretive framework, *bagni penali*—Italian penal labor institutions—deserve renewed critical attention as enduring punitive devices that spanned multiple historical phases and adapted to changing state structures and rationales of governance[1].

Italy offers a particularly rich case study. The persistence, even after national unification, of penal establishments inherited from the *Ancien régime* raises questions about the resilience of traditional models of punishment and the limited capacity of the post-unitary state to standardize its carceral geography. Although the historiography of Italian prisons has expanded in recent decades, it has seldom addressed these hybrid and resistant sites—such as the *bagni*—which have often been regarded as marginal or obsolete in relation to the broader narrative of penal modernization[2].

[1] It is impossible to provide an exhaustive bibliography in this context. We therefore refer to the historiographical considerations in C.L. Monticelli, C.G. De Vito, *Pluralità dei regimi punitivi: periodizzazioni, circolazioni, modelli cattolici*, in «Meridiana. Rivista di Storia e Scienze sociali», 101 (2021), pp. 9-22; M. Gibson, *Le prigioni italiane nell'età del positivismo (1861-1914),* Rome 2022, pp. 13-24; L. Martone, *Introduzione,* in Id. (ed.), *Giustizia penale e ordine in Italia tra Otto e Novecento,* Naples 1996, pp. v-xix and the bibliography in C.G. De Vito, *Camosci e girachiavi. Storia del carcere in Italia,* Rome-Bari 2009, pp. 197-202.

[2] Among the few exceptions, A. Tolomeo, *Bagni penali e isole di relegazione nel Regno di*

This article contributes to this line of inquiry by examining the trajectories of the *bagni penali* in the nineteenth century from a comparative and diachronic perspective. Focusing on the cases of Gaeta and Santo Stefano in Ventotene, it explores the interplay between penal discourse and institutional practice, between normative reform and the inertia of inherited structures, within a context in which the state struggled to govern marginality, deviance, and public order through often contradictory mechanisms.

The article is structured into three main sections. The first analyzes the evolution of reformist discourses concerning the *bagni penali* from the Bourbon period to the early decades of the Italian Kingdom, tracing the plurality of proposals, the circulation of international models, and the institutional translation of reformist ideals within a fragmented and contested penal landscape. The second section investigates actual prison practices—routines, labor regimes, spatial use, and prisoner classification—highlighting continuities and ruptures across the pre- and post-unification divide, with the aim of revealing long-term dynamics that challenge conventional chronological periodizations. The third section focuses on the case studies of Gaeta and Santo Stefano not as exceptions, but as privileged vantage points from which to observe the evolution of penal governance in Southern Italy. Drawing on archival and statistical sources, the section examines the structural and functional transformations of these institutions and their integration into the emerging national prison system following the abolition of the *bagni*. The comparison between the two sites enables a reflection on convergence, divergence, and institutional strategies of adaptation during a phase of regulatory transition.

Taken together, these three sections seek to reframe the history of Italian *bagni penali* by moving beyond teleological readings and binary oppositions, offering instead an interpretation attentive to practices, temporal plurality, and the material conditions of punishment.

1. Bagni *in Reformist Discourse*

Throughout the nineteenth century, *bagni* figured prominently in debates on penal reform within the various pre-unification states of the Italian peninsula. Increasingly regarded by contemporaries as both anachronistic and morally degrading, these institutions became the focus

Napoli, in Martone, Luciano (ed.), *Giustizia penale e ordine in Italia*, pp. 1-62.

of intense theoretical and administrative scrutiny as part of a broader reassessment of punitive models and carceral rationalities.

From the 1830s onward, a diverse and growing body of critical discourse emerged, articulated by reform-minded jurists, prison inspectors, and state officials. Despite differing ideological and institutional standpoints, these actors shared a fundamental unease with the legitimacy of the *bagni* in light of the evolving principles of penitentiary science. Their writings reveal a shifting penal imagination—one that questioned not only the efficacy, but also the ethical and functional place of forced labor institutions within a modern penal order.

Reconstructing this corpus of discourse allows us to trace both ruptures and continuities in the way *bagni* were conceptualized before and after Italian unification. It also provides insight into how theoretical debates shaped, and were shaped by, the pragmatic constraints of governance, contributing to a gradual reconfiguration of carceral space in the newly unified state.

The Kingdom of the Two Sicilies: Volpicella and the Neapolitan debate

In the Kingdom of the Two Sicilies, the question of *bagni* formed part of the broader discourse on prisons that permeated both institutional and intellectual circles between 1830 and 1860. This period was characterized by a growing interest in European penitentiary models and an active engagement in contemporary Italian penal journalism[3]. The accession of Ferdinand II to the throne in 1830 coincided with the appointment of Filippo Volpicella, entrusted by Minister of the Interior Nicola Santangelo, with conducting a preliminary inquiry into the state of detention facilities across the kingdom[4]. The findings of this investigation, published in

[3] For an overview of contemporary publications on the subject: P.S. Mancini, *Del miglior ordinamento del Carcere di Avellino e della introduzione della riforma penitenziaria nel Regno delle Due Sicilie,* excerpt from "Ore Solitarie", fasc. VII-VIII-IX, 1843; Id., *Della utilità di ordinare i nuovi asili di mendicità nel Regno di Napoli, sotto la forma di colonie Agricole. Discorso pronunziato nella seduta generale della Regia Società economica del Principato Ulteriore del 30 maggio 1843,,* excerpt from «Biblioteca di scienze morali, legislative ed economiche», 1844, f. V, pp. 1-32; T. Mamiani, P.S. Mancini, *Intorno alla filosofia del diritto e singolarmente intorno alle origini del diritto di punire: lettere,* 2 voll., Naples 1844.

[4] The most relevant elements of the early contributions were collected in the following volume: F. Volpicella, *Delle Prigioni e del loro Migliore ordinamento*, Naples 1837. For all contributions published by Volpicella in «Annali civili del Regno delle due Sicilie» for the period 1833-1842, cfr. F. Assante, *La regina delle galere: storia e storie del carcere di Procida,* Naples 2015, pp. 147-148 (n. 64). On Volpicella's relationship with the contemporary international debate, see D. Ambron, *Le carceri regie del Regno di Napoli*

1837, offered a damning assessment of the *bagni*, portrayed as ineffective, morally corrosive, and counterproductive from both a disciplinary and rehabilitative perspective. As Volpicella wrote: "E in vero lo stato in che al presente trovansi i bagni dee spaventare per modo che si abbia quindi ad immaginar come escludere dalle categorie della pena questa […]"[5].

Despite his initial harsh critique, Volpicella appeared to maintain, at least in the early stages, a degree of confidence in the potential for an organic reform that might reintegrate *bagni* into a newly rationalized and modernized penitentiary system. This cautious optimism, however, gave way in the ensuing decades to a more definitive stance, as reflected in the proceedings of the *Commissione per l'immegliamento dei luoghi penali in Napoli*, which he presided over in 1861. By that time, Volpicella asserted that the *bagni* of the Kingdom had remained essentially unchanged since the era when they confined "gli slavi turchi e i rei dei peggiori delitti", and that their continued operation was no longer justifiable—neither from an economic standpoint nor in terms of deterrence or rehabilitation. As he declared: "Le vele e il vapore bastano a menare i vascelli […] e delle antiche galee […] resta solo la storica rimembranza"[6] .

The conclusion reached by Volpicella is that *bagni* should no longer be considered autonomous institutions within the penal landscape. Rather, they ought to be reabsorbed into the broader architecture of the kingdom's prison system and included within the overarching framework of penitentiary reform. As penal spaces, they were no longer justifiable as distinct or exceptional. In his words: "non differiscono da qualunque altra prigione di pena. Vi vengono tratti i rei dei più gravi misfatti, coloro che meritano un più lungo e severo castigo. Ma lo stesso fine della emendazione a che dee mirare ogni altra carcere, debbono similmente in principal modo mirare[7]".

tra capitale e province (XVII-XVIII secolo), in Antonielli, Livio (ed.), *Carceri, carcerieri, carcerati: dall'antico regime all'Ottocento,* Soveria Mannelli 2006, p. 147 ff.

[5] "And indeed, the state in which the baths currently find themselves is so appalling that one is forced to imagine how to exclude them from the categories of punishment [...]". Volpicella, *Delle prigioni e del loro migliore ordinamento*, p. 218.

[6] "Turkish slaves and the worst criminals". "Sails and steam are enough to propel ships [...] and of the ancient galleys [...] only a historical memory remains". Id., *Sui bagni di Napoli: due rapport indirizzati al dicastero dei lavori pubblici dalla Commissione istituita per l'immegliamento dei Luoghi penali*, Naples, Stab. tip. delle Belle Arti, 1861, pp. 19-25.

[7] "They do not differ from any other prison. The worst criminals are hosted in there, those who deserve a longer and harsher treatment. The same goal of reform that every other prison must aim for must also be the main goal here". Ibid.

The Kingdom of Sardinia: Petitti di Roreto and Massone on the Crisis of the Bagni

In the Kingdom of Sardinia, similar critiques were advanced by figures such as Carlo Ilarione Petitti di Roreto[8], who, in a series of influential writings during the 1830s and 1840s, called for the abolition of the *bagni*, arguing that they were entirely incompatible with the principles of prison reform. Petitti maintained that these institutions had failed to achieve their intended purpose of maximum deterrence, instead producing only "l'infelicissimo risultato di una più grande corruzione derivante da essi." His moral condemnation was accompanied by economic considerations: the costs associated with maintaining convicts were seen as excessive, especially given the ineffectiveness of the system[9].

A more radical stance was taken by the military physician Giovanni Battista Massone, who in 1851 denounced the *bagni* as "archivi di quanto v'ha degenerato e di guasto nella nostra natura," describing them as an "immoral school" from which inmates emerged even more dangerous and depraved than they had been upon entry[10].

Despite the diversity of regional contexts, the critiques voiced in the pre-unification states revealed several common features. Reformers in both the Neapolitan and Piedmontese spheres articulated a predominantly negative assessment of the *bagni penali*, which they regarded as vestiges of an archaic penal regime ill-suited to the demands of modernity. In both cases, however, these reformist arguments often collided with the practical exigencies of prison administration and the inertia of entrenched institutional frameworks. As a result, calls for abolition frequently remained unheeded, failing to translate into concrete legislative or structural change.

[8] Among his main publications on the subject: C.I.Petitti di Roreto, *Saggi sul buon governo della mendicità, degli istituti di beneficenza e delle carceri*, Turin 1837; *Della condizione attuale delle carceri e dei mezzi di migliorarla*, Turin 1840; *Esame della polemica insorta sulla riforma delle carceri, considerate nelle ultime produzioni delle opposte scuole e riflessi relativi,* Milan 1842; *Esame della polemica insorta sulla riforma delle carceri, considerata nelle ultime produzioni delle opposte scuole e riflessi relativi,* Milan 1842; *Della condizione esordiente della riforma delle carceri: discussioni e fatti relativi con alcuni riflessi definitivi,* Florence 1843. For an overview of his figure, cf. P. Casana, C. Bonzo, *Tra pubblico e privato: istituzioni, legislazione e prassi nel Regno di Sardegna nel 19 secolo,* Turin 2016, pp. 59-112.

[9] "It is believed to have been demonstrated that they do not achieve the intended purpose of maximum intimidation but only have the unfortunate result of greater corruption deriving from them". Petitti di Roreto, *Della condizione attuale delle carceri*, pp. 334-335.

[10] "Archives of all that is degenerate and corrupt in our nature". Massone, Giovanni Battista, *La pena dei lavori forzati considerata nella sua applicazione pratica ossia i bagni marittimi negli stati sardi studiati sotto l'aspetto economico, statistico-igienico-morale ed al confronto della riforma,* Genoa 1851, p. 367.

Persistence and reformulation in the Kingdom of Italy

In the aftermath of national unification, the question of *bagni penali* was only partially redefined. Their continued existence was increasingly perceived as an anomaly when measured against the principles of contemporary penitentiary science. A notable example is the 1870 report presented by Scipione Staffa to the *Accademia Pontaniana*, in which these institutions were described as places that "producevano ne' condannati il più freddo e ributtante cinismo negli atti, nelle parole, nell'aspetto"[11].

Similarly, the *Effemeride carceraria*—the official journal of the Ministry—referred to *bagni* in stark terms, branding them as a "vergogna della civiltà" and a "piaga dell'erario"[12].

Yet even within the institutional framework of the unified Kingdom of Italy, such critiques did not immediately translate into substantive reform. Abolitionist rhetoric continued to coexist with a prison reality still largely reliant on forced labor and on the persistence of inherited spatial configurations. It was only with the implementation of the Zanardelli Penal Code in 1889, followed by the 1891 *Regolamento carcerario*, that a more coherent reform effort took shape—ultimately paving the way for the gradual dismantling of *bagni penali* and their absorption into a nationalized penitentiary system.

2. *Beyond the Discourse: Governing the* Bagni *between Reform and Inertia*

While reformist discourse across the various pre-unification states increasingly denounced the *bagni penali* as outdated and degrading institutions, an examination of actual practices reveals a far more nuanced picture. Administrative inertia, the structural persistence of inherited facilities, and contingent political or logistical imperatives often resulted

[11] "Produced in the condemned the coldest and most repulsive cynicism in their actions, words, and appearance". S. Staffa, *Della riforma delle carceri giudiziarie in Italia. Memoria letta all'Accademia nella tornata del 3 aprile 1870*, in «Atti dell'Accademia Pontaniana», f. 1, vol. 10, Naples 1871, p. 46.

[12] "The shame of civilization"; "a scourge on the treasury". G.B. Rossi, *La pena dei bagni marittimi. Vergogna della civiltà, piaga dell'erario*, in «Effemeride carceraria. Rivista ufficiale delle carceri del Regno d'Italia», y. II, Turin 1866, pp. 71-87. This opinion is shared by both the press and government bodies. See, for example: F. Bellazzi, *Prigioni e prigionieri nel Regno d'Italia,* Florence 1866; *Sull'Unificazione nazionale della legislazione penale,* in «Effemeride carceraria», y. I, Turin 1865, p. 70.

in slow, fragmented, and contradictory processes of penal reform. The management of *bagni* was marked by a gradual formalization of regulatory frameworks, which rarely translated into meaningful functional change. In both the Kingdom of the Two Sicilies and the Kingdom of Sardinia, *ad hoc* adaptations of existing spaces and rules to emergent needs generally prevailed over any systematic rationalization of the punitive apparatus along coherent or consistent lines.

The Kingdom of the Two Sicilies: expansion and regulation

In the Bourbon context, the administration of the *bagni penali* was increasingly marked by efforts toward bureaucratic centralization. Until 1822, these institutions remained under the authority of the *Corpo dei custodi della Real Marina*, a naval custodial corps later dissolved and absorbed into the regular ranks of the Royal Navy. As a result, administrative oversight shifted to the Director of the *Real Segreteria di Stato di Marina*, while high-level supervision was entrusted to the Maggior Generale della Real Marina[13]. A further step in this centralizing trajectory occurred with the 1835 reform and the creation of the *Ispezione dei rami alieni*, which reinforced the strategic role of the maritime department in supervising such institutions[14].

In 1857, the management of the *bagni penali* was once again reconfigured, this time passing under the jurisdiction of the Ministry of Public Works, which was already responsible for administering the Kingdom's islands of confinement[15]. Alongside this administrative reorganization, a progressively articulated legal framework emerged to regulate prisoner classification and disciplinary regimes. The 1824 *Regolamento per i condannati all'ergastolo* and the 1826 *Regolamento per i forzati* constituted the primary legislative references, later supplemented by norms concerning *presidiarj*[16]. The nineteenth century witnessed a notable expansion in the number of *bagni penali*. In addition to the historic facilities located in Naples and the surrounding provinces, new institutions were established on the islands (Procida, Ischia), on the mainland (Pozzuoli, Castellammare, Granatello), and in smaller

[13] *Collezione Leggi e Decreti del Regno delle Due Sicilie* (hereinafter CLD), I sem., decrees of May 31, 1822, pp. 296-303.

[14] *Almanacco Reale del Regno delle Due Sicilie per l'anno 1854*, Naples 1854, p. 326-327.

[15] CLD, 1857, II semester, decree no. 4649 of December 29, 1857.

[16] G. Madonia, *Supplemento alle cinque parti del Codice per il Regno delle Due Sicilie*, Palermo 1840, 236-244.

inland locations (Montefusco, Pescara, Capua). On the eve of national unification, the *bagni* were predominantly concentrated in the province of Naples, although some were also operative in Brindisi and Gaeta.

Between Discipline and Stagnation: Penal Baths in the Kingdom of Sardinia

In the Kingdom of Sardinia, the reform of the penal system initiated in the 1830s resulted in a series of fragmented and partial measures concerning the bagni penali. The *Regolamento Sanitario per i condannati* of 1839 and the *Regie Determinazioni* of 1841 addressed various hygienic, administrative, and financial aspects of these institutions[17]. The primary detention sites included the central prison of Genoa and several annexes located in Savona, Capraia, and Villafranca. Among these, the maritime facility on the island of Capraia stood out for the size of its inmate population and its logistical significance within the broader penal geography of the kingdom.

In 1851, control over the Sardinian maritime *bagni* was transferred to the Real Marina, reflecting a broader pattern of administrative restructuring. Alongside this shift, the authorities pursued efforts to rationalize prisoner classification and forced labor practices. However, these attempts were seldom accompanied by a structural rethinking of the penal model. The institutions established to oversee penal administration - such as the *Ispettorato generale delle carceri* (1849) and the *Consiglio generale delle carceri* (1851) - lacked both the political authority and operational means to produce a coherent and lasting transformation. In practice, the system remained anchored to outdated logics of punishment, in which maritime penal labor continued to serve as a residual yet persistent component of the Sardinian penal landscape.

From Fragmentation to Unification: the Kingdom of Italy

The unification of 1861 brought with it the coexistence of heterogeneous structures and legal frameworks. The Royal Decree of September 19, 1860, originally designed for the *bagni penali* in the northern provinces, quickly proved inadequate for the newly annexed southern territories. Royal Decree No. 169 of August 11, 1861, reorganized the Neapolitan penal institutions and abolished the General Office of *bagni*. The path to regulatory harmonization, however, was far

[17] G.B. Massone, *La pena dei lavori forzati considerata nella sua applicazione pratica ossia i bagni marittimi negli stati sardi studiati sotto l'aspetto economico, statistico-igienico-morale ed al confronto della riforma penitenziaria,* Genoa 1851, pp. 21-37.

from linear and revealed persistent tensions between inherited systems and centralizing ambitions. The *Ispettorato generale dei bagni penali*, created in 1860, was already abolished by 1865. The transfer of *bagni penali* from the Ministry of the Navy (*Ministero della Marina*) to the Ministry of the Interior (*Ministero dell'Interno*) did not take place until 1867 (Royal Decree No. 3411 of November 29, 1866), followed by the delegation of disciplinary responsibilities to the *Direttore Generale delle carceri*. In 1874, an interministerial commission was established to reconcile the Bourbon and Savoyard regulations, culminating in the 1878 Regulations, the Zanardelli Code of 1889, and the General Prison Regulations of 1891.

At the same time, *bagni* continued to be extensively employed. By 1880, the number of such establishments had increased to 24 (33 including branches), with a total capacity exceeding 18,000 inmates. Their overuse was particularly pronounced in the southern regions, which the central authorities regarded as "critical" areas requiring intensified forms of repression. This expansion, however, was accompanied by a marked decline in financial commitment: the funds allocated to *bagni* were significantly lower than those destined for ordinary prisons and judicial institutions[18] .

The management of the various facilities followed differentiated logics, reflected both in the composition of the prison population and in the architectural interventions - ranging from the construction of isolation cells to the establishment of workshops. The definitive turning point came with the Zanardelli Code and the *Regolamento* of 1891, which sanctioned the end of *bagni penali* as distinct institutions. These establishments were absorbed into the ordinary prison system and reclassified as life prisons *(ergastoli),* houses of correction or civil and military prisons. In many cases, however, this formal reclassification concealed a deeper continuity of practice, as modes of segregation, coercion, and non-educational punishment persisted beneath the surface of legal reform.

3. *Gaeta and Santo Stefano between continuity and prison reconfigurations*

In order to concretely illustrate the operational and institutional dynamics analyzed in the previous sections, the trajectories of two major

[18] *Considerazioni generali. Personale, fabbricati, trasporti*, in Ministry of the Interior, DGPS, *Statistica delle carceri per l'anno 1871,* Rome 1873, p. XXI and CCXXI; Assante, *La regina delle galere*, p. 125.

bagni penali in southern Italy - Gaeta and the islet of Santo Stefano in Ventotene - highlight both local specificities and continuities between the Bourbon and post-unification periods. Despite their differing origins - Gaeta as a former fortified site gradually converted into a prison, and Santo Stefano as a purpose-built facility - both institutions embody the evolving strategies of punishment and the ambivalent nature of prison rationalization in the long nineteenth century. The *bagno penale* of Gaeta was part of a broader process of gradual transformation of the fortified complex. Its Angevin wing ceased to serve as a royal residence and military garrison as early as 1734, following the establishment of the Bourbon dynasty. From that point onward, the site was progressively repurposed for detention, a function it maintained until its final decommissioning in 1990[19]. In contrast, the prison of Santo Stefano was constructed ex novo between 1794 and 1797 on the explicit orders of the monarch. It was conceived as an isolated and self-sufficient carceral institution designed to accommodate political detainees and common criminals awaiting trial[20].

Both institutions were formally integrated into the Bourbon prison system by the *Ordinanze Generali della Marina* of 1818, which classified Santo Stefano as a first-class prison and Gaeta as a second-class one[21]. From the 1840s onward, the two *bagni penali* acquired growing centrality within the Bourbon carceral network, both for the number of common convicts they accommodated and for the presence of prominent political detainees. Santo Stefano notably housed figures such as Luigi Settembrini and Silvio Spaventa, both imprisoned between 1851–52 and 1859, while Gaeta served as a site of detention for Giacomo Longo and Mariano Delli Franci, incarcerated in 1848 and released only in 1860[22] .

[19] For an overview of the conversion, see S. Leccese, *Il castello di Gaeta. Notizie e ricordi*, Gaeta 1958.

[20] On the origins of life imprisonment, I refer you to A. Santilli, *Entre proximité et promiscuité. Vivre l'enfermement dans les petits espaces insulaires: le cas des îles de Ventotene e Santo Stefano (1770-1810)*, "Criminocorpus", 23 (2023), URL: http://journals.openedition.org/criminocorpus/13300; G. Mirenda, *L'origine dell'Ergastolo di Santo Stefano,* in Santilli, Anthony (ed.), *Biografia di una prigione. L'Ergastolo di Santo Stefano in Ventotene (secc. XVII-XX),* Genoa 2018, pp. 23-42.

[21] *Ordinanze Generali della Marina del 1818*, Parte Prima, Vol. II, titolo XVIII, Napoli 1856, p. 312 sgg.

[22] On the specific experiences of Settembrini and Spaventa in Santo Stefano: L. Settembrini, *L'ergastolo di Santo Stefano*, edited by Riccardo Navone, Genoa, Ultima spiaggia, 2010; S. Spaventa, *Lettere a Felicetta*, edited by M. Themelly, Naples 1977.

National Unification: A Real Turning Point?

However, the two institutions followed markedly different trajectories after national unification. Gaeta was affected by its strategic location near the border, its continuing military function, and its use during sieges—most notably that of 1860–61—which turned it into a site of internment for prisoners of war[23]. By contrast, the insular position and geographical isolation of Santo Stefano were seen by the authorities as a safeguard for the incarceration of the most dangerous individuals—although in many cases, this isolation proved more symbolic than real[24]. In 1871, both were among the 24 *bagni* in the Kingdom of Italy, with significant prison populations: Gaeta housed 878 prisoners, making it the third most crowded prison in central and southern Italy, after Nisida (980) and Civitavecchia (908), while Santo Stefano held 732[25]. Despite the relatively lower population, Santo Stefano had a disproportionately high number of *ergastolani*—255 individuals sentenced to hard labour for life—ranking second only to Civitavecchia, which held 261 in the same category.

The figure reported by official statistics for Gaeta—'only' 168 life-term convicts—must be read in conjunction with the 710 inmates sentenced to *temporary forced labour* (a category entirely absent at Santo Stefano). This indicates that the entire inmate population at Gaeta was engaged in forced labour, either temporary or permanent[26]. It is important to note that, from 1863 onward, Gaeta also hosted a separate military prison, equipped with numerous workshops (printing, carpentry, tailoring, and others), with a prison population that reached 852 in 1871[27]. The combined total of the civil and military sectors made Gaeta one of the most significant detention centres in the Kingdom of Italy.

These trends persisted throughout the following decade: Santo Stefano consolidated its role as a site for the internment of individuals deemed dangerous, while Gaeta was increasingly oriented toward forced

[23] On the constant flow of prisoners, see, for example: Quandel, Pietro, *Giornale della difesa di Gaeta da novembre 1860 a febbraio 1861 per Pietro Quandel*, Rome 1863. For a better understanding of Gaeta's role in the complex transition phase of the 1860s, see: C. Pinto, *La guerra per il Mezzogiorno: italiani, borbonici, briganti 1860-1970,* Bari-Rome 2019.

[24] A. Santilli, *La porosità delle isole carcere d'epoca borbonica attraverso il caso dell'Ergastolo di Santo Stefano in Ventotene (secc. XVIII-XIX),* in Id. (edited by, *Frammenti insulari. Nuove prospettive storiografiche per le isole del Mediterraneo (secc. XV-XX),* Rome 2025, pp. 95-114.

[25] *Movimento di entrata e uscita dei detenuti ripartiti negli stabilimenti penali,* in *Statistica delle carceri per l'anno 1871*, Rome 1873, pp. 220-221.

[26] Ibid., p. 225.

[27] Ministerial dispatch of April 1, 1863, no. 3115, in L.Torres, *Storia della reclusione militare e corpo moschettieri*, in «Studi Storico-Militari 2001», Rome 2004, pp. 461-463.

labour. In 1880, expenditures for manufacturing services were four times higher at Gaeta than at Santo Stefano[28]. Nevertheless, a report from 1879 highlighted the practical limitations of the work sector at Gaeta: «una sola camera adibita a scuola per una capienza di 24 posti», for a prison population which, «se si eccettuano 33 *mestieranti* e 42 addetti ai servizi domestici, […] sono da considerarsi oziosi»[29]. Despite these constraints, the intention to expand the institution's productive capacity remained evident. In 1885, new *arts workshops* were established at Gaeta, whereas no similar investment was made at Santo Stefano[3]. Resource allocation thus reflected the specific institutional profiles of each *bagno penale*, and more generally, the centrality attributed to prison labour by both contemporary penitentiary science and political discourse. However, these priorities were not accompanied by coherent or uniform models of implementation[30].

In practice, the administration of penal labour was shaped by continuous negotiation between political contingencies and entrenched institutional routines. During this period, if more systematic interventions were being undertaken, they concerned not so much the question of labour as the introduction of punitive configurations that had by then been assimilated by both penitentiary theory and state governance. One such example is the structural modification of prison facilities to introduce solitary confinement regimes. Both institutions examined here were involved in these changes. At Gaeta, 25 punishment cells were completed in 1883[31]. At Santo Stefano, the intervention was even more radical: the old Bourbon cells were divided in two, and a new wing was built specifically for solitary confinement. This so-called *Fourth Special Section* consisted of 78 individual cells and was intended for prisoners considered particularly dangerous[32] .

[28] *Servizio delle manifatture negli stabilimenti carcerari*, in RDC, 1880, p. 487.

[29] "A single room used as a school with a capacity of 24 places"; "with the exception of 33 craftsmen and 42 domestic workers, [...] are to be considered idle". ASCas, Prefecture 1 ser., General Affairs, Administrative Papers, b. 6386, "Bagno penale di Gaeta. Relazione sull'attuale situazione del bagno," Gaeta, January 30, 1879.

[30] For a general overview, see R. Giulianelli, *"Chi non lavora non mangia". L'impiego dei detenuti nelle manifatture carcerarie nell'Italia fra Otto e Novecento*, in «Rassegna penitenziaria e criminologica», 3 (2008), pp. 83-105.

[31] ASCas, Prefecture 1 ser., Administrative documents, ctg 17, b. 1258, letter from the General Prison Administration to the Prefect of Caserta, Rome, February 26, 1883.

[32] Ministry of Justice, Criminological Museum of Rome, Plan of the Santo Stefano Life Prison, 1896.

The Reconfiguration of the Bagni Penali *in the 1890s*

In light of these developments, it is not surprising that under the *Regolamento carcerario* of 1891, the only facility formally classified as a *ergastolo* was Santo Stefano, designated for «condannati al carcere a vita, con una sezione per i condannati a lunghe pene». As indicated in the 1904 report presented by the Director General of Prisons to the Commission for Judicial and Notarial Statistics, this exclusivity stemmed from the «relativa scarsità dei condannati» and from the particular suitability of the site to guarantee security and control over the inmate population[33]. t is no coincidence, then, that between 1897 and 1901, Santo Stefano housed high-profile political detainees such as Pietro Acciarito, author of the 1897 assassination attempt on Umberto I, and Gaetano Bresci, the anarchist who assassinated the king in 1900. In 1890, the *bagno penale* of Gaeta was officially converted into a *correctional facility* (*casa di correzione*), resulting in a series of substantial inmate transfers. To cite just one example, 392 prisoners were moved from Santo Stefano to Gaeta, and 350 from Gaeta to the island of Pianosa, involving the mobilization of approximately 40 prison guards[34].

The critical issues already evident in previous decades - particularly those relating to forced idleness and internal unrest - continued to manifest and provoked concern among local authorities. It was only later that the entire facility was absorbed into the military system, which revitalized its productive activities[35].

A comparative examination of the two sites reveals two distinct prison strategies: on the one hand, the insular and segregated specialization of Santo Stefano as a *life prison* (*ergastolo*), designated for the detention of the most dangerous convicts; on the other, the productive orientation and hybrid function—both civil and military—of the Gaeta penal site, which was progressively reconfigured into what would become the most important military prison in Italy. In both cases, the institutional transformations that took place between the 1880s and 1890s did not

[33] R. De Notaristefani, *Penitenziari (Sistemi) (15 agosto 1906)*, in L. Lucchini, (ed.), *Digesto Italiano*, vol. XVIII, II, Turin 1906-1912, p. 86.

[34] ASCas, Prefecture 1 series, cat. 17, b. 103, f. 1009, "Bagno Penale di Gaeta. Trasferimento all'Isola di Pianosa di 350 condannati e 20 agenti di custodia. Arrivo di 392 condannati e di 19 agenti di custodia dal Bagno Penale di S. Stefano", 1889.

[35] ASCas, Prefecture 1 series, Administrative documents, cat. 17, b. 100, f. 950, "Disordini avvenuti nella Casa Penale di Gaeta," September 26, 1891. For more details on the military aspect, see the contribution by Enrico Serventi Longhi, in this same volume.

signify a real departure from previous coercive models. Rather, they entailed a process of refunctionalization of pre-existing practices within the new regulatory and political framework of the unified state.

Conclusions

The analysis of *bagni penali* in the nineteenth century reveals a penal landscape shaped by enduring tensions between reformist discourse and carceral practice. The regulatory and doctrinal developments introduced between the late Ancien Régime and the liberal era only partially succeeded in producing substantial changes within the prison system. The guiding principles of modern penitentiary science - individual segregation, moral reformation, and the gradation of punishment - encountered deeply rooted institutional legacies, deficient material infrastructures, and a socio-political environment inclined toward pragmatic and coercive disciplinary solutions.

Within this framework, what emerges with particular clarity is the centrality of everyday punitive practices: the concrete uses of space, the organization of labor regimes, and the management of incarcerated bodies. These practices—more than reformist ideals or normative innovations—contributed to the consolidation of a *punitive habitus* (in the Bourdieusian sense), which shaped institutional logics and conditioned the reception and adaptation of external models. Rather than a simple resistance to modernity, this reflects a locally produced form of practical knowledge—embedded in routines, compromises, and administrative custom—that came to function as an organizing principle of punishment itself.

The history of *bagni penali* exemplifies the disjunction between reformist aspirations and carceral realities. The establishments of Gaeta and Santo Stefano—despite their markedly different origins and intended functions—persisted throughout the nineteenth century in reproducing long-standing features: carceral promiscuity, coerced labor, repressive and segregative regimes, and a flexible deployment of prisoners across institutional needs. The long-awaited prison reform was implemented only partially and belatedly, and often amounted to the mere superimposition of new terminologies onto older practices. A case in point is the adoption of solitary confinement, which took on partial and adapted forms in both institutions rather than radically transforming carceral conditions.

The rupture of 1861—so central in the political narrative of the nation—proved marginal in the history of penal institutions. Institutional unification did not fundamentally alter the internal organization or operational logics of the *bagni penali*. As Mary Gibson has pointed out, the post-unification model of the cellular prison remained more of a normative ideal than a concrete reality: its implementation was fragmented, uneven, and frequently undermined by the material constraints of inherited infrastructures and the enduring needs of everyday repression[36]. The real rupture occurred elsewhere: it came with the introduction—between the 1870s and 1880s—of structural reforms aimed at redefining the function of prisons, and with the emergence of a new, albeit ambivalent, focus on prisoner classification and the centralization of carceral circuits. Yet even at this stage, practices anticipated norms: it was the concrete management of prisoners—their movement, labor, and security arrangements—that shaped the penal system far more than the formal declarations of intent.

Central to this dynamic is the question of forced labor. As Adriana Tolomeo has observed, the figure of the *servitore di pena* (penal servant) clearly reveals the tension between economic utility and the disciplinary rationale of nineteenth-century imprisonment. Trained and exploited in the prison workshops, he came to embody an instrument of control and containment, but also a mechanism of institutional self-preservation, serving as a crucial intermediary between prison guards and the inmate population[37].

The theme of labor—with all its inherent contradictions, whether present or absent, implemented or merely envisioned—emerges as the true cornerstone of penal architecture, more so than segregation. As Mary Gibson has pointed out, incarceration in the first fifty years of Italian unification retained markedly pre-modern characteristics: it was deeply tied to processes of social marginalization, the valorization of prisoners' physical labor, and the continuity of forced labor practices. In this sense, the *bagni penali* were not institutions in decline, but rather spaces where ancient and modern punitive dispositifs were condensed and rearticulated in a form of enduring resistance. Only a micro-analytical approach allows us to reconstruct an interpretive framework attentive to the nexus between

[36] This hypothesis is also confirmed by studies of the relationship between the common and military penal systems: C. Latini, *Cittadini e nemici. Giustizia militare e giustizia penale in Italia tra Otto e Novecento,* Florence 2010.

[37] A. Tolomeo, *Una sperimentazione penitenziaria nel Regno di Napoli: l'addestramento dei servi di pena in età,* in «Archivio storico per le province napoletane», CXIV (2006), pp. 551-573.

local specificities and systemic dynamics. As Luigi Torres has shown in the case of military imprisonment, understanding post-unification penal structures requires a spatially grounded analysis of detention regimes and institutional functions, attentive to the plurality of carceral sites and their hierarchical integration within the broader apparatus of the state[38]. The history of the *bagni penali*, read through this lens, does not merely reflect the residual legacy of the Ancien Régime, but instead becomes a privileged laboratory for observing the adaptive, resistant, and reorganizational processes that shaped the making of modern Italy.

[38] L Torres, *Storia della reclusione militare e corpo moschettieri*, in «Studi Storico-Militari 2001», Rome 2004.

Chiara Manganelli

The racialisation of the political revolutionaries of Romagna in the late nineteenth century: Pio Battistini's murder trial

Summary: Introduction – 1. Political crime – 2. The intersection of Criminal Anthropology and the "race" of Romagna – 3. A "region by contrast" transformed into the crucible of anti-establishment movements – 4. Pio Battistini's murder – 5. The gaze of judiciary and public security over the political militants in Romagna – Conclusions.

Introduction

In the second half of the XIX century, within the context of the recently established Italian State, the significant semantic shift occurred in the conceptualisation of crime, in relation to the realm of politics: the political crime. Western societies were subject to the effects of the industrialisation and Italy was no exception to this process, which had a significant impact on the criminal phenomenon. There was a progressive decrease in crimes against the person on behalf of a significant increase in crimes against property: a range becoming wider also because of the centrality that penal codes had given to private property in the name of its legal defence.

Political crime ended up being involved in this process as a response to the rise of novel collective social actors that challenged both the form of government and its economic structure. The interpretation of political offences underwent a shift in meaning, precipitated by the dissemination of alarmist sentiments among the bourgeoisie. Despite the Penal Code, which was approved by the Parliament in 1889 and was shaped according to liberal values, political critique was no longer considered to be a category that included all those acts that demonstrated dissent against institutional power. All criticism and condemnations of capitalism and social-economic structures were deliberately excluded from the category to prevent any potentially influential and "dangerous" collective actors (such as socialists, republicans or anarchists) from benefiting from the privileges accorded to political crimes as outlined in the Zanardelli Penal Code.

Firstly, an analysis will be conducted of the manner in which this process of political "exclusiveness" occurred and its consequences on Italian revolutionary movements, which were becoming increasingly powerful

in the latter half of the nineteenth century. Secondly, an investigation will be conducted into the support offered by Cesare Lombroso and his criminological school in the repression of criminal deviance and political dissent. Positivism, in fact, posited a correlation between race and crime, proposing that specific physical, psychological and environmental features were associated with individuals lacking moral development and, consequently, were more susceptible to criminal behaviour. Within the Italian scenario, Romagna appeared to be distinguished by its propensity to perpetrate physical violence and to exhibit profound political fervour. A paradigmatic illustration of this combination is provided by the process conducted for Pio Battistini's homicide, the socialist leader of Cesena, committed in September 1891 by a group of local republicans. Through the analysis of its judicial papers, which are preserved in the State Archive of Forlì-Cesena, and thanks to the stenographic record of the process held by the Appeal Court of Treviso, it has been possible to study the infiltration of positivist theories, about the inhabitants and radical movements of Romagna into the imaginary of judicial institutions and public security agencies. This constitutes the third and final topic to be addressed in this paper.

1. *Political crime*

Since the eighteenth century and through the age of the bourgeois revolutions, a privileged treatment had been reserved for political offences, at least within liberal speculations, in accordance with the right of speech and in memory of imprisonments, exiles and capital condemnations to which patriots of the Risorgimento were subjected. The Classical School conceptualised political dissent as a behaviour that called into question the manner in which institutional power was structured; a fact that was regarded as relative and mutable.

Nevertheless, penal codes from the pre-unitary period received only limited influence from the Enlightenment doctrine. Indeed, these codes continued to reserve the most severe penalties, including the death penalty and forced labour, for crimes that jeopardised internal and external State security. Both the Sardinian-piemontese Penal Code of 1859, extended to the unified Kingdom of Italy six years later, and the Tuscan Penal Code of 1853 (which remained in effect in the territories of the former Grand

Duchy of Tuscany until 1889) are specific examples of this phenomenon.

The coexistence of two different penal codes was a cause of concern for a number of liberal jurists in Italy, including Giuseppe Zanardelli and Enrico Pessina, conceivers and promoters of the 1889 Penal Code. As the 1890s approached, Italy finally adopted a unified legislative system as the result of a more liberal e progressive shift in the country. Capital punishment, forced labours, and corporal penalties have been abolished in favour of reclusion; priority is now given to the legality, clarity and transparency of the law, penal moderation, emendatory and retributive functions.

In the context of the recently enacted Italian penal code, a special provision has been made for political crimes: the extradition of political offenders is prohibited (art. 9); detention is preferred over reclusion (art. 118-123); the utilisation of a popular jury is expected for trials conducted in Appeal Courts: a mechanism that will often end up showing a favourable predisposition towards political offenders.

2. *The intersection of Criminal Anthropology and the "race" of Romagna*

The term "racialisation" is employed to denote a cultural, social and political phenomenon which leads to pigeonholing a specific category of people within a hierarchical system defined by general characteristics such as ethnicity, language and religion. This process is characterised by the endeavour to categorize or marginalize subjects deemed to be inferior and dangerous, while concurrently delineating the identity of the ingroup to which the racist individual belongs.

The trust that was placed in science by men of culture and politicians has defined "race" as a fundamental conceptual category to build identity, both on a national and on a personal level. In the late nineteenth century, a cultural movement emerged in Europe and in Italy, rejecting metaphysics and idealism. This movement was influenced by the ideology of progress, which dominated the intellectual landscape of the time. New scientific discoveries and original methodologies suggest that modern societies will inevitably follow a linear and uninterrupted growth trajectory, and that men can exercise control and influence over their environment.

The Italian cultural milieu provided positivism with a conducive environment for the development of a national School of thought that

encompassed biological, anthropological and juridical domains[1]. A pivotal figure in this process is Cesare Lombroso, a doctor from Verona who pioneered a paradigm shift in the realm of ethnographic research. The anthropological method was enriched by the advent of new sciences as scientific disciplines, including statistics and biometrics, which facilitated the systematic classification of deviances within taxonomies. In the belief that Italian population was marked by a natural proclivity towards illegality[2], and especially towards violence, the Positive School designed a survey of the country with the objective of defining the ethnic and racial characteristics of each group taken into consideration. As demonstrated by the official statistics published by the General Direction of Prisons, higher crime rates were identified in southern regions of Italy and its islands. Conversely, another region furnished pertinent indicators for offences against the person: that was Romagna.

The population of Romagna, therefore, is comprehensively classified within the taxonomies of anthropologists and jurists adhering to the Positive School. Identified as a race with clearly delineated features inherited from a process of ethnic amalgamation, Romagna is recognised for its impulsiveness, impetuosity and passion. This region has historically been influenced by various civilisations, including Ligurians, Umbris, Etrurians, Gallics, Celts and Romans. Among these, the last two civilisations would have left, more than others, a last longing trace on the physical and psychological characteristics of the region's inhabitants. Biometric data demonstrated a brachycephalic pre-eminence: a cranial conformation that appeared to be associated with a natural propensity towards evolution[3]. Conversely, the psychological analysis of the temperament of this population suggests an inheritance from both the Celts and Romans: from the former, it received qualities such liveliness, impulsivity and a gregarious spirit; from the latter, it acquired tenacity and political passion. Furthermore, the slowness of evolution of these people is of particular interest: their psychological and somatic features appear to remain intact, thus granting them a significant degree of "atavism".

[1] E.R. Papa, *Criminologia e scienze sociali nel dibattito europeo sulla "Scuola Italiana" di antropologia criminale (1876-1900),* in Id. (cured by) "Il positivismo e la cultura italiana", Milano 1985, p. 16.

[2] M. Gibson, *Le prigioni italiane nell'età del positivismo*, Roma 2019, p. 71.

[3] C. Lombroso, R. Laschi, *Il delitto politico e le rivoluzioni in rapporto al diritto, all'antropologia criminale e alla scienza di governo*, Torino 1890, pp. 110-111.

3. *A "region by contrast" transformed into the crucible of anti-establishment movements*

The positivist depiction of an impulsive, excessive and progressive Romagna is superimposed upon a preexisting stereotype that emerged in the 1860s: the stereotype of a *region by contrast.* The notion was embraced in part due to the efforts of Destra Storica aiming to delegitimize a growing movement of dissent among the inhabitants of Romagna. This movement was opposed to two unpopular measures: military conscription and a tax on mills. The considerable radicalism exhibited by the populace was attributable to a multitude of factors, including the horizontal nature of its society, which was characterised by the absence of an aristocratic class that wielded significant influence[4], and the experiences during and following the Napoleonic occupation, particularly those involving the Carbonian and Masonic movement, played a notable role in shaping the radicalism of a segment of the population.

A robust republican and internationalist associationism permeated the spaces, places and mentalities of Romagna. At the onset of the 1870s, the city of Rimini played host to the inaugural congress of the Italian Federation of the International Workers' Association, which constituted the first formal act through which a local movement, that challenged the capitalist socio-economic order and the prevailing production system, organized itself. The emergence of a novel form of militancy, operating within the same ideological terrain and support base of republicanism, has precipitated conflict among radical and anti-establishment associations. The 1880s will regarded as a decade of even greater significance, as Mazzinian groups began to lose ground in favour of a political proposal that met the demands of the time. The foundation of the Socialist Revolutionary Party of Romagna, in 1881, transformed socialism from a doctrine that few understood and believed into a wide-ranging local party that would set up an important example for the future Italian Socialist Party.

Consequently, Romagna played host to two central groups of Italian radical movements that underwent development throughout the XIX century. The example of the Socialist Revolutionary Party of Romagna set by Andrea Costa represented a turning point, especially when compared to the experience of the International Workers' Association, marked by

[4] C. De Maria, *Il radicalismo delle élite romagnole*, in C. Arrighetti, *La violenza in Romagna dallo Stato della chiesa allo Stato unitario. Atti del Convegno*, Forlimpopoli 2017, pp. 21-22.

sectarianism and illegal practices. Without abandoning the revolutionary perspective entirely, the socialists of Romagna sought to conquer the commons and participate in elections as a means of opposing government influence at the local level. In 1882, Costa was elected as deputy: for the first time, a socialist representative to secure a seat in the Italian Chamber of Deputies. Concurrently, radical movements were gaining control over municipal administrations of Romagna and the number of party cells affiliated with socialism and republicanism was increasing. This substantial growth, which was local in nature, was a cause for concern for the ruling class, who were apprehensive that a coalition between socialist and republican movements and the radical party, which had already secured representation in the Italian Parliament, might emerge.

The demands articulated by anti-establishment associations did not align with the "political" category as defined by moderate and conservative ruling classes. The Classical School conceptualised political offence as a criminal act that could be sanctioned solely in cases of its excess, but not for its antagonism. However, the condemnation of the capitalist system was deemed unacceptable, as it was perceived as a threat to the prevailing social order. Within this theoretical framework, positivism offered a fundamental tool to delegitimise revolutionary claims and perspectives through the utilisation of presumed scientific evidence. In the case of Romagna, it provided a bleak picture of racial inferiority in order to demonstrate the felonious and dangerous nature of criminals moved by political passion. The persistence of violent practices within the political life of Romagna is explained not from a sociological point of view but from an anthropological one. The region, therefore, becomes:

> uno degli ultimi e meno imperfetti esempi di società a tipo di violenza […]. I sentimenti, le passioni, le usanze sono ancora quelle di un'età trapassata, che fuori di qui non si può conoscere che dai libri. Poiché la violenza è il primo periodo di una civiltà, è naturale che in Romagna la società e l'uomo abbiano molto ancora di primitivo[5].

A primitive population, lacking the sophistication to formulate political claims without resorting to violent practices such as murder and homicide.

[5] "One of the last and least imperfect examples of society of violence type […]. Feelings, passions, customs are yet those of a departed era, which out of here can be known only by books. Since violence is the first period of a civilisation, it is natural that in Romagna society and men still are primitive". A.G. Bianchi, G. Ferrero, S. Sighele, *Il mondo criminale italiano*, First series, Milano 1893, p. 280.

4. *Pio Battistini's murder*

The citation previously mentioned has been composed by Guglielmo Ferrero, a anthropologist belonging to the Positive School, who was present at the trial for Pio Battistini's murder, held in the Appeals Court of Treviso in 1893. A total of eight men were presented before the judges: Agostino Domeniconi, Antonio Mordenti, Urbano Valzania, Lodovico Valzania, Giuseppe Fabbri, Carlo Aloisi, Giuseppe Brandolini e Pasquale Brunazzi. Eight individuals all regarded as "pregiudicatissimi[6]" and considered to be posing a significant threat, all of whom were members of the equally feared Squadra di Porta Romana[7].

It is a case of true crime which left the entire region astonished. The city of Cesena saw the socialist leader and member of the Municipal Counsil falling to the ground, fatally hit by three bullets in his back. The individuals who were promptly attributed with responsibility for the assassination were affiliated with the local Republican movement, motivated by partisan animosity and a quest for retribution. Domenico Ferrini and Clemente Mariotti, two young republican militants, were, in fact, killed the week before by a group of socialists[8].

The sequence of events that preceded Pio Battistini's execution is intricate and multifaceted. It is imperative to recall at least two episodes in addition to the one concerning Ferrini and Mariotti. The initial case under consideration is that of the murder of Count Filippo Neri, a member of the local aristocracy who maintained a deliberate policy of neutrality in the partisan conflict of Cesena. Killed in March 1889, for his assassination were suspected, but released in the absence of evidence, Giovanni Magnani e Agostino Domeniconi. Both men were affiliated with the republican movement. Two years later, during the course of the enquiry conducted by the investigating judge, Carlo Stuart hypothesised that Count Neri's assassination was likely to have been motivated by his desire to silence the latter.

> Vaghi sospetti accusarono di quella azione vigliacca il Domeniconi e il Brandolini e sembra che il Battistini fosse depositario di qualche segreto che avrebbe compromesso la sorte di costoro. Volgevano così le cose in uno stato di tensione e di livore e specialmente contro

[6] "Previous offenders".

[7] "The Crew of Porta Romana".

[8] D. Pieri, *La Squadra di Porta Romana. La Romagna del coltello e del revolver*, Imola 1989, pp. 7-30.

il Battistini che parlava sì forte e chiaro di tutti[9].

Another significant event that must be considered when seeking to comprehend Battistini's murder occurred in the occasion of the political elections in November 1890. The socialist leader denounced a fraud in the counted votes inside a polling section he examined. Republicans responded to his complaint brandishing their weapons, an action reciprocated by Pio Battistini who consequently inflicted harm upon Giuseppe Brandolini, an associate of Porta Romana[10]. In the opinion of the investigating judge, the fact in question served to exacerbate the resentment already harboured by Brandolini, a "salientissima spinta a delinquere[11]" towards his socialist rival.

The heated conflicts between the socialists and the republicans of Romagna were rooted in long term historical and social facts. Numerous armed conflicts had occurred between them immediately after unification. A truce seemed to be reached at the end of the 1880s when the decision was taken to participate as a coalition in the local elections that were held on account of the Reform introduced in 1888. Indeed, this reform resulted in the equalisation of political and administrative electorates and led to an expansion in the number of individuals who possessed the right to vote. The coalition achieved significant and unparallel results in Romagna, attaining victories in Cesena, Forlì, Faenza, Imola and Ravenna, in addition to numerous smaller localities. In the case of Cesena, the development of tensions was rapid. The distribution of seats in the Council, which was weighted in favour of republicans, and the appointment of Egisto Valzania as president of the Charity Congregation of the city provoked the wrath of the socialists, who had received only one seat in the city government and two chairs on two committees[12].

The recurrent utilisation of private violence by the inhabitants of Romagna as a means of conflicts resolution was, to a certain extent, attributable to a deficiency on the part of the Italian State. In fact, the

[9] "Vague suspicions accused of that coward action Domeniconi and Brandolini and it seemed that Battistini was the depositary of some secret that would have compromised their fate. Things were turning into a state of tension and livor and especially against Battistini who spoke loudly and clearly about everyone". Archivio di Stato di Forlì-Cesena [ASFC], *Tribunale Corte d'Assise*, b. 264, f. 1384, unnumbered volume, doc. n. 349.

[10] D. Pieri, *La Squadra di Porta Romana. La Romagna del coltello e del revolver*, cit., p. 41.

[11] "The fact actively pushed Brandolini into committing crime". ASFC, *Tribunale Corte d'Assise*, b. 264, f. 1384. Volume non numerato, doc. n. 349.

[12] D. Angelini, *Alle origini del socialismo municipale: Pio Battistini nelle istituzioni amministrative*, in D. Angelini, D. Mengozzi (edit. by) *I Battistini. Una famiglia socialista alla fine dell'Ottocento*, Forlì 1994, pp. 82-84.

Kingdom of Italy had not succeeded in establishing a monopoly over the use of force in many regions of its territory, including Romagna. Moreover, the system of justice provided by national institutions was not regarded as a legitimate means to protect violated rights. In the context of radical and anti-establishment militants, the justification for this luck of trust was also evident in the intolerance and severity with which they were met by the prevailing legal framework.

However, the criminological phenomenon of Romagna was presented by positivism from a different point of view. The underlying causes of the persistence presence of violent practices could be attributed to the characteristics and disposition of the local populace. Depicted as impulsive and excessive in each of their needs, passional and easily influenced, people from Romagna have been described as an atavist and primitive population, lacking the level of civilization of the rest of North Italy and Europe. The radical activists were more reminiscent of members of a criminal association rather than a political movement. Positivism assumed that radical militants from Romagna exploited an ideology of collective justice in order to commit criminal offences and evade punishment. In the context of Western European countries, Guglielmo Ferrero identified Romagna as a notable example of a society characterised by violence, a category that he believed to be one of the last remaining in Europe, a continent almost everywhere characterised by societies of fraud type.

5. *The gaze of judiciary and public security over the political militants in Romagna*

The trial conducted against the Crew of Porta Romana can be regarded as a valid lens to analyse the penetration of the positivist imaginary within the beliefs of judiciary and public security functionaries. The criminal prosecution was conducted in two phases: the first phase was a preliminary investigation conducted at the Criminal and Civil Court of Forlì; the second one, shorter but equally intensive, was hosted by the Appeals Court of Treviso. The documents pertaining to the preliminary investigations are to be found in the Archive State of Forlì-Cesena, whereas the stenographic report, which constitutes the second part of the process, is preserved in the Marucelliana Library of Cesena. A four pages daily bulletin was in fact published in May and June 1893 and was sold

for four liras per copy. This publication described the development of the trial against the republicans from Cesena[13]. The Battistini case had an extraordinary resonance: the courtrooms of Treviso were filled to capacity, the audience was keen to witness unexpected developments in the case and to experience the emotional impact of the family's testimonies, the prosecutor's accusations and defence's pleas.

An investigation was conducted from September 1891 to Novembre 1892, by the lawyer Carlo Stuat. He utilised circumstantial evidence and declarations reported by a plethora of public functionaries and local citizens. Many of them had personally witnessed the murder of Pio Battistini, which had taken place near by the central place of Cesena in the late afternoon, or had participated in the finding and capturing of the suspects. The utilisation of archive carts facilitates the reconstruction of the historical progression of the murder, thereby enabling the extraction of perceptions and stereotypes concerning radical movements and the inhabitants of Romagna from the perspectives of judicial authorities and law enforcement agencies.

Control institutions had been targeting socialist and republican "factions" for a considerable period, as these groups were considered to comprise dangerous individuals who were prone to criminal activity. The analysis of their criminal records appears to substantiate the hypothesis, with numerous convictions for unlicensed firearm possession, injury offences and verbal or physical assault on law enforcement officers[14]. In the aftermath of the homicide, the captain of the Carabinieri dispatched a missive to the procurator of the Penal Court of Forlì. This correspondence detailed "cinque dei più pericolosi repubblicani pregiudicatissimi[15]" for whom he sought to reinforce patrol services and enhance surveillance of the town, since

> la setta socialista e la setta repubblicana […] tengono in continua agitazione ed in continue ansietà il paese […] tantoché ad ogni tratto risse ed uccisioni si alternavano, ora per ragioni socialista ed ora per ragion repubblicana in continue rappresaglie come se fosse in pieno vigore la legge del taglione[16].

[13] Cf. *Corte d'Assise di Treviso. Assassinio Pio Battistini*, Treviso 1893.

[14] ASFC, *Tribunale Corte d'Assise*, b. 265, f. 1384, Vol. I p. I, doc. n. 41; 48; 49; 51.

[15] "Five of the most dangerous republican offenders"

[16] "Socialistic and republican factions […] constantly make the city anxious and agitated […] clashes and killings, for socialist or for republican reason, erupt in ongoing reprisals like there is in force the law of retaliation". In the ruling to demand to the Appeals Court

The testimonies of public functionaries immediately described a gloomy and bloody image of the political life of Cesena. Supported by a public opinion substantially concordant in considering the Crew of Porta Romana culpable for the murder, witnesses also proffered a psychological analysis of the suspects. The Subprefecture Inspector attributed them "un carattere prepotente[17]" and "una pessima fama[18]" which manifested itself in arrogant behaviour towards the local population[19]. It appeared that membership of the Republican movement bestowed upon its adherents a social status that engendered a combination of fear and respect. The components of the Crew of Porta Romana appeared to elicit a pervasive sense of jeopardy: they were regarded as "capacissimi di commettere un reato simile, essendo alcuni pregiudicati – sono quindi tutti non solo capaci ma spinti dal vincolo di partito a vendicarsi del Battistini"[20]. This perspective is offered by two individuals with professional experience in this field: Annibale Marossa, a former Marshal, and Luigi Bernardi, a former police officer. Both men were responsible for the arrest of five members of the group. Acate Cianini, the captain of the Carabinieri in Cesena, denounced the criminal attitude and actions of the republicans, which he attributed to the "livore delle parti[21]", and the local population's involvement: he cited the example of Stefano Romualdo, the owner of Caffé della Speranza, who would have hidden republican weapons for an extended period, "in vista di qualsiasi eventualità[22]". Carlo Stuart's perspective aligned with the aforementioned testimonies, as articulated in the Chamber Counsil Ordonnance, wherein he delineated the suspects as individuals motivated by a desire to exact retribution for perceived honor violations and for partisan hatred and feeling at ease in committing homicides. Lodovico Valzania "nutriva rancore verso i Battistini […]

written by Carlo Stuart, clashes and killings between socialists and republicans become "reprisals" resulting from a primitive law, as the one of retaliation. ASFC, *Tribunale Corte d'Assise*, b. 265, f. 1384, Vol. III, doc. n. 19.

17 "An arrogant character".

18 "A bad reputation".

19 ASFC, *Tribunale della Corte d'Assise*, b. 265, f. 1384, Vol. I p. I, doc. n. 63.

20 "Completely capable of committing a crime, since some of them already are convicted felons – they all are not only capable but pushed by the partisan bond to settle account with Pio Battistini". ASFC, *Tribunale Corte d'Assise*, b. 265, f. 1384, Vol. I p. I, doc. n. 58.

21 "The rage of the parties".

22 "In preparation for any eventuality". ASFC, *Tribunale Corte d'Assise*, b. 265, f. 1384, Vol. II p. I, doc. n. 131.

e specialmente nutriva rancore verso il Pio che avevalo tacciato di vigliacco[23]"; Brandolini and Brunazzi "entrambi gregari della squadra, che attivamente e con influenza era capitanata dal Domeniconi pendevano dai cenni di costui; e perciò, sia per motivi di partiti e sia per motivi personali, odiavano il Battistini Pio[24]".

In another letter, the inspector of Cesena delineated the figure of the suspected and then convicted Battistini's murder originator: Agostino Domeniconi, known by the sobriquet Beffuti. Within Porta Romana's Crew, he stood out as a paradigm of the lombrosian category of "delinquente-nato[25]": a recidivist, persistent in both property-releated and personal crimes, devoid of moral sense and remorse[26]. During the course of penal proceedings, he exhibited characteristics that aligned him with the stereotype of the violent "romagnolo" as depicted by positivism. The subject's proclivity for perpetrating murder as a legitimate instrument of political struggle, for which he did not evince any sense of abhorrence[27], was revealed through his interrogatories and the "cinismo ributtante[28]" that he proved in Treviso to elicit the audience's laughter[29].

> A carico del Domeniconi, emerge che egli, individuo pregiudicatissimo, di carattere vendicativo, di tendenze sanguinarie, senza paura, e temuto dagli stessi correligionari, fu reputato più che capace d'aver messo insieme il piano, diretto l'uccisione del Battistini […]. Immediatamente fu indicato dalla voce pubblica come il più attivo organizzatore del fatto, compiuto il quale, si diede alla latitanza: come uno dei capi della suindicata squadra repubblicana, e per certo il più temibile, poteva calcolare sulla obbedienza dei suoi.[30]

[23] "Ludovico Valzania beared the grudge against Battistinis […] and especially against Pio Battistini who had accused him to be a coward".

[24] "Brandolini and Brunazzi, both gregarious of the crew which actively and with influenced was dominated by Domeniconi, fawned over his orders; and therefore, they hated Battistini Pio, both for partisan and for personal reasons". ASFC, *Tribunale Corte d'Assise*, b.265, f. 1384, Vol. I p. II, doc. n. 469.

[25] "As a born criminal".

[26] C. Lombroso, *L'uomo delinquente*, Torino 1876, p. 95.

[27] *Ibid*.

[28] "Disgusting cynicism".

[29] *Corte d'Assise. Assassinio Pio Battistini*, cit., n. 106-110 del 14 giugno 1893, p. 3.

[30] "Domeniconi, a convicted individual, with a vindicative temper, bloody predispositions, without fear but feared by his own coreligionists, was considered more than capable of carrying out the plan directed to murder Battistini […]. Immediately, he was indicated by the public voice as the most active organizer of the fact after which, once accomplished, he became a fugitive; as one of the leaders of the abovementioned repub-

In addition to an innate proclivity for violence, a further characteristic that is recognised in each individual of the republicans of Porta Romana is their *suggestibility*, a trait that is widely held to be emblematic of the Romagna region as a whole. The Romagnol people are often depicted as lacking in psychological depth and imaginative capacity: an absence evidenced by the dearth of notable and innovative artistic exponents from Romagna, with the exception of ceramics[31]. This easily manipulable temper would lead people from Romagna to develop a *gregarious instinct*, propelling them to follow charismatic leaders who exert a profound influence over them. A phenomenon that reminds the experience of Antonio Mordenti, a young sulphur minor known as Barciocclìn, who was the material executor of Battistini's murder.

Public security voices agreed in considering the subject undoubtedly capable of committing heinous crimes and "ammazzare un individuo per due lire[32]", since he had already given proves of crimes of the same kind and for the protection of the republican party. It was hypothesised that he was, in fact, "protetto dal partito repubblicano di cui egli fa parte[33]". A bleak image of this individual is offered by pretor Giuseppe Tassinari, who provided the punctual description reported by an "accountable" witness that believed Mordenti to be a "persona truce e sinistra[34]". The "malfattore" Barciocclìn displayed a complete lack of interest during the investigative phase. When prompted by the prosecutor in Treviso, he demonstrated a preference for focusing on his moustaches rather than on the questions posed by the lawyers. The defence lawyer of Mordenti hypothesised that this detachment was due to the psychic inferiority of people from Romagna which rendered them susceptible to manipulation. The public minister Braida also believed that an ambiguous force was acting above the hit man: "una tale potenza da fargli preferire una grave pena, anziché dire una parola che potrebbe essere per lui più utile […].

lican crew, and for sure the most fearful, he could count on the obedience of his fellows". ASFC; *Tribunale Corte d'Assise*, b. 265, f. 1384, Vol. I p. II, doc. n. 469.

[31] As meticulous and patient as artists from Romagna are, the anthropologist and pedagogist Vitale Vitali asserts that they lack artistic inspiration. They are equipped with capacity for learning but they are devoid of brilliance and individual inventiveness. The conformation of their mind and character more likely drives them to reasoning.
Vitale Vitali, *I romagnoli*, in "Studi antropologici al servizio della pedagogia", Forlì, Luigi Bordandini Tipografo-Editore, 1896, p. 72.

[32] AS-FC, *Tribunale Corte d'Assise*, b. 265, f. 1384, Vol. II p. I, doc. n. 56.

[33] AS-FC, *Tribunale Corte d'Assise*, b. 265, f. 1384, Vol. I p. I, doc. n. 88.

[34] AS-FC, Tribunale Corte d'Assise, b. 265, f. 1384, Vol. II p. I, doc. n. 33.

Mordenti Antonio è il sicario, - Mordenti Antonio è il braccio che agiva, - ma Mordenti Antonio ha agito per proprio impulso, oppure perché fu spinto da altri?[35]".

Subjugated by Antonio Domeniconi and operating under the influence of a political ideology deemed violent and subversive, the murder executor would have permitted his passion to run uninhibited and disregarded a moral sense that was already lacking.

> Un reato commesso in un ambiente dove la passione si sente più potente che in un altro, ha una importanza maggiore […]. La Romagna sarà sempre la Romagna di Dante con tutti i suoi pregi, con tutti i suoi difetti, conseguenza dei pregi suoi. Accanto al vigore e alla forza, sta la degenerazione della forza, che è la violenza, - la violenza portata al parossismo[36].

Beffuti was the leader of republican "bravi" from Cesena and he appeared to exercise a high degree of influence over the other affiliates as he was the head of a clan. Lombroso and Laschi frequently analysed political associationism from the perspective of legitimacy and criminality. Distinguishing between revolution and rebellion, positivism ultimately results in the delegitimization of all those forms of dissent that are regarded as excessive and dangerous to the status quo. The proof of their culpability would be ascertained, in the first instance, in their failure. Organizers and participants of rebellions, rather than political offenders, would be "born criminals" or "moral mads" reunited within the confines of ambiguous political associations. Established with the objective of advocating for higher principles, such as social justice, moral progress, and the redistribution of wealth, the actions of these organizations do not align with their stated principles. Instead, they may be driven by their own criminal instincts while seeking to maintain a favourable public image.

The republican movement in general appeared to be organised, in the

[35] "Such a great force that he preferred receiving a major sentence instead of pronouncing a single word that could be more useful for him […] Mordenti Antonio is the material executor, - Mordenti Antonio is the muscle who acted, - but Mordenti Antonio has acted on his own or pushed by someone else?"
Corte d'Assise di Treviso. Assassinio Pio Battistini, cit., n. 111-115 of the 14th of June, p. 3.

[36] "A crime committed inside an environment where the feeling of passion is more powerful than somewhere else is more important […]. Romagna will always be Romagna of Dante with all its qualities, with all its flaws as consequences of its qualities. Besides the force lies the degeneration of force, which is violence, - violence led to paroxysm". *Corte d'Assise di Treviso. Assassinio Pio Battistini*, cit., n. 126-130 of the 15th of June, p. 2.

eyes of judicial authorities and law enforcement agencies, according to a tribal system: from the lowest level (referred to the Crew of Porta Romana) to the highest one (composed by the local heads of the Party), the republican organization seemed to be innervated by "primitive" relationships designated to defend its affiliates. On the 2nd June of 1893, the pretor of Cesena affirmed in front of the public minister that between republican leaders and militants existed an alliance made of a code of silence, which enabled the commission of misdeeds and crimes. The responsibility was reticular: the consequences of the actions of a single member had percussions for the entire movement which was, then, obliged to respond to them[37]. Starting from this assumption, the sentence imposed on Battistini's murderers was morally pronounced against the republican movement of Cesena in its entirety. The involvement of Pietro Turchi, recognised as the party theoretician, and of Urbano Valzania, municipal assessor, member of the executive council of Cesena's Charity Congregation and president of Masini boarding school contributed to give further importance to the condemnation sentence[38].

The scandal surrounding the implication of these two political figures in Battistini's murder, along with the penal proceedings to which Urbano Valzania, Egisto Valzania and Cesare Benzi were subjected and investigated for fraud in Cesena Charity Congregation management, offered to the clerical-moderate alliance the opportunity to reconquer the municipal government of Cesena. The entire republican movement, and by extension the socialist party, had become insular and unaccountable, and had fallen above them the responsibility for many bloodsheds and a last longing violence. Not surprisingly, Federico Comandini and Pietro Turchi decided in 1892 to dissolve the Republican Consociation of the administrative district of Cesena. In the name of enhancing public security within the local jurisdiction, the Ministry of the Interior and the Prefecture of Forlì ordered the militarisation of Cesena[39]. In addition to the establishment of a climate of siege, the Royal Commissioner Pietro Gandin oversaw the political transition of the city until the administrative elections occurred in March 1892. At these elections, the liberal-catholic coalition won, thereby regaining control of Cesena, after the republican-socialist interlude[40].

[37] A.G. Bianchi, G. Ferrero, S. Sighele, *Il mondo criminale italiano*, cit., pp. 294-298.

[38] D. Pieri, *La squadra di Porta Romana. La Romagna del coltello e del revolver*, cit., pp. 67 e 81.

[39] D. Mengozzi, *La reazione governativa all'omicidio di Pio Battistini nel carteggio riservato di prefettura*, in D. Angiolini, D. Mengozzi (edit. by) *I Battistini. Una famiglia socialista alla fine dell'Ottocento*, cit., pp. 105-107.

[40] Ivi, p. 111.

Conclusions

The case of Cesena, within the framework of Romagna, offers a compelling illustration of the sedimentation of the positivist imaginary regarding anti-establishment movements in the late nineteenth century. Representing a chosen land for birth and growth of political organizations as republicanism, internationalism and then socialism, Romagna is also subjected to a process of racialisation aimed at delegitimising revolutionary associations. The right of expression exercised by local militants has been condemned as dangerous for the status quo on the account of its criticism of the capitalist production system. This right does not find place within the liberal category of "political". The promulgation and entry into force of the Zanardelli Code, widely regarded as the first Italian liberal penal code, appeared to signal the dawn of a new era characterised by a commitment to moral and social progress. A promise doomed to failure when viewed in the context of the reactionary and liberticidal trends that characterised the final decade of the nineteenth century. A massive deployment of administrative measures, as an alternative option to the penal code, was attempted to mitigate the impact of revolutionary messages, circumventing legal guardianship.

Among the instruments used by ruling classes for the purpose of weakening republican, socialist and anarchist groups science played a significant role. The integration of Positive School theories and Criminal Anthropology perspectives has facilitated the translation of a political phenomenon, resulted from several and intricate contingencies, in a manifestation of social pathology. The legacy of Roman and Gallic influences, still evident in the "human exemplar" of Romagna, could provide a rationale for the observed contrast and the frequent expression of dissent showed by this population. Its political claims were not the results of an autonomous and collective reflexion; rather, they were the consequence of physiological behaviours induced by a genetic predisposition linked to "race".

Concurrently, it is plausible that Italian public opinion did not fully assimilate the Romagna stereotype into its imaginary. However, certain elements of the positivist representation have been adopted by judicial institutions and public security entities. This can be seen by analysing the testimonies and affirmations of lawyers, magistrates, prefects and police officers who participated in the investigation and trial of Pio Battistini's murder. Some of these elements have played a pivotal role in the weakening

of both republican and socialist local movements, thereby facilitating the re-establishment of the liberal-catholic order within Cesena.

Despite the repression and hardship endured during the final years of the nineteenth century, radical associations emerged and voiced their opposition to these challenges. The progressive abandonment of violent practices, such as homicide, and sectarianism, led to the adoption of alternative ways of action that were characterised by greater stability and maturity. A more extensive political agenda, with the capacity to encompass the entire nation, a generational shift in leadership among both republicans and socialists, and a prevailing commitment to a reformist reformist outlook, that did not aim to abandon revolutionary results, fostered the establishment of novel organisations such as political parties, Labour Exchanges ("Camere di Lavoro") and Trade Unions ("Federazioni di Mestiere"). These entities were poised to respond more effectively, during the initial decade of the 20th century, to the assaults of a political establishment that remained elitist and exclusive.

Roberto Ibba

Cagliari's prisons in the liberal age: between administration and revolts

Research into the history of the prison population in Italy, and more specifically in Sardinia, has always been made difficult by the lack of information in prison archives. Historians have mostly looked at institutional issues, prison models, construction typologies and legal and philosophical aspects concerning the concept of punishment and its expiation. This essay aims to investigate the prison population in Cagliari in liberal Italy, looking at the different institutions in the city through documents preserved mainly in the Central State Archive and the State Archive of Cagliari. The documents show the complicated history pf prisons in Sardinia, characterized by the presence of agricultural penal colonies that served both punitive and productive functions within the penal system.

Summary: Introduction – 1. Cagliari's prisons in the liberal age – 2. The 1906 Uprisings in the Cagliari Area – Conclusions.

Introduction

Research into the history of the prison population in Italy, and especially in Sardinia, has always been made difficult by the lack of information in prison archives. Historians have mostly looked at institutional issues, prison models, construction typologies and legal and philosophical aspects concerning the concept of punishment and its expiation[1]. This essay aims

[1] The following, among many, have been useful in this work: L. Antonelli (ed.), *Carceri, carcerieri, carcerati. Dall'antico regime all'Ottocento*, Soveria Mannelli, 2006; M. Beltrani Scalia, *La riforma penitenziaria in Italia: studi e proposte*, Rome 1879; A. Borzacchiello, *La grande Riforma, breve storia dell'irrisolta questione carceraria*, in «Rassegna penitenziaria e criminologica», n. 2-3 (2005), pp. 2-75; A. Capelli, *La buona compagnia: utopia e realtà carceraria nell'Italia del Risorgimento*, Milan 1988; G.B. Cocco, C. Giannatasio (ed.), *Historical Prisons. Studi e proposte per il riuso del patrimonio carcerario dismesso della Sardegna*, Reggio Calabria 2013; F. De Angelis, S. Torge, *La realtà invisibile. Breve storia del diritto penitenziario dagli Stati preunitari ad oggi*, in L. Pace - S. Santucci, G. Serges (ed.), *Momenti di storia della giustizia Materiali di un seminario*, Rome 2011, pp. 9-35; C.G. De Vito, *Camosci e girachiavi: storia del carcere in Italia, 1943-2007*, Rome-Bari, 2009; M. Di Sivo, *Il braccio del tribunale: birri e carceri a Roma tra Cinque e Seicento*, in M.R. Di Simone (ed.), *La giustizia dello Stato pontificio in età moderna: atti del convegno di studi, Roma, 9-10 aprile 2010*, Rome 2011, pp. 259–266; D. Melossi, M. Pavarini, *Carcere e fabbrica: alle origini del sistema penitenziario*, Bologna 2018; M. Foucault, *Surveiller et punir. Naissance de la prison*, Paris 1975; M. Gibson, *Ai margini della cit-*

to investigate the prison population in Cagliari in liberal Italy, looking at the different institutions in the city through documents preserved mainly in the Central State Archive[2] and the National Archive of Cagliari[3].

tadinanza: le detenute dopo l'Unità italiana (1860-1915), in «Storia delle donne», 3, a (2007), pp. 187–207; G. Geltner, *La prigione medievale: una storia sociale*, Rome, 2012; R. Giulianelli, *L'industria carceraria in Italia: lavoro e produzione nelle prigioni da Giolitti a Mussolini*, Milan 2008; M. Gibson, *The Everyday Life of Inmates: Alternative Sources for Italian Prison History*, in «Meridiana», 101 (2021), pp. 23–40; M. Gibson, *Le prigioni italiane nell'età del positivismo (1861-1914)*, Rome 2022; G. Neppi Modona, *Carcere e società civile dall'Unità a Giolitti*, Rivoli 1999; V. Ruggiero, *Criminalità e pena nelle utopie classiche e in quelle libertarie*, in «La Società degli individui», 48 (2013), pp. 7–22; S. Trombetta, *Punizione e carità: carceri femminili nell'Italia dell'Ottocento*, Bologna 2004.

[2] The collections consulted at the Central State Archives (henceforth ACS) were: Ministry of the Interior - Directorate General for Prisons and Reformers - General Archives (MININT, DGCR, AG): the documentation stored in this collection provided a part of the correspondence between the directors of the judicial prisons of Buoncammino, the penal colony of San Bartolomeo and the Casa di Pena Intermedia di Castiadas with the Prefecture of Cagliari and the Direzione Generale Carcere e Riformatori for the period between the 1890s and the first two decades of the 20th century. The most frequently treated topics include administrative issues related to the supply of goods and services for the prison complexes, cash statements on the receipts of work and outgoings for the management of the intermediate penal home in Castiadas, work and renovations in connection with the Civil Engineers (mainly for the judicial prisons in Buoncammino, San Bartolomeo, Isili, Oristano and Lanusei), and the management of the agrarian space and agro-forestry activities in Castiadas. Some folders are dedicated to the interpretation of prison regulations, with particular reference to punishments and permits. There are also references to the work of the visiting commissions, evasions and patronage societies; Ministero della Giustizia - Direzione Generale Istituti di prevenzione e di pena - General Archive (MINGIUS, DGIPP, AG): the documentation collected in this archive concerns the production of the intermediate penal houses of San Bartolomeo and Castiadas (including salt production) and their sale on the market through the auction system; the assignment of works to contractors for the maintenance and renovation of the prison buildings. There are also documents on the situation of the administrative staff of the prisons in Cagliari and Castiadas; Ministry of Agriculture, Industry and Commerce - Directorate General for Agriculture: this collection contains the reports of the agronomists of the intermediate penal home in Castiadas (as well as those of other institutes, including Pianosa) regarding farming, inspections and operation (administration, supplies of agricultural equipment and instruments, personnel).

[3] The following collections were consulted in the State Archives of Cagliari (ASCA): Intendenza Generale (IG): the documents stored in this archive dating back mostly to the first half of the 19th century and mainly concern administrative and management acts, lists of prisoners, costs for the maintenance of prisoners, and reports with prison procurement contractors; Prefettura: the papers collected in the fonds date mainly from the second half of the 19th century, although there are evident interruptions for the period between the 1870s and 1880s. These are administrative documents concerning the maintenance of the prisons, convocations of the supervisory boards, statements of the

The many documents that have been found and looked at have shown that the history of Sardinian prisons is quite complicated. One of the most important things about it is the large number of agricultural prisons[4], used not only to punish people but also to create new landscapes, by the government, in areas that they thought to be needed to be fixed up (not only from an environmental point of view but also in terms of the human component) and to be transformed into productive areas, in an ideal continuation of the eighteenth-century thinking that observers from outside the island projected towards Turin and other European courts: the image of an empty countryside, devoid of dwellings and farms, a space for errant and chaotic pastoralism. It is no coincidence that some of the island's penal colonies were planned and built in moorlands that had already been the subject of previous, more or less successful, attempts at internal colonisation: such as Sarcidano or Salto di Quirra-Colostrai area (the latter was tried on for colonization attempt in the second half of the 18th century by Cavalier Pietro Mameli)[5].

The establishment of penal colonies also touched the city of Cagliari, with the San Bartolomeo penal colony, which served as a prison, an agricultural enterprise and a source of labour for salt harvesting and processing over the years[6].

Here, we intend to talk about some general problems concerning the condition of the prison population in Cagliari at the turn of the century. The documentation examined offers an initial reconstruction of

patronage society, communications concerning transfers, evasions, deaths of prisoners; Buoncammino - Carte sciolte (BCM, CS): the documents are complementary to the fonds of the Ministry of the Interior and the Ministry of Justice, the Prefecture and the General Intendency. These are documents relating to the prison's internal administration (restructuring and expansion work on the buildings, reports on prisoners and supervisory personnel, reports on religious and educational services, relations with other agencies and institutions). The Altavista fund kept at the State Archives in Rome was also consulted where two photographic albums, presumably dating back to the first decade of the 20th century, illustrating the structures of the penal colonies of Castiadas and San Bartolomeo.

[4] S. Puddu, *Sotto l'azzurra volta del Cielo: disciplina territoriale e colonie penali agricole*, in «Rassegna di architettura e urbanistica», 150 (3/2016), pp. 106-113; S. Puddu, *From common land to farmhouses: agricultural penal colonies and the project of modern rurality in Sardinia, Italy*, in «The Journal of Architecture», 28 (7/2023), pp. 1184-1213.

[5] R. Ibba, *Paesaggi immaginati. Visioni del paesaggio rurale sardo nel Settecento*, in C. Tosco, G. Bonini (ed.) *Il paesaggio agrario italiano. Sessant'anni di trasformazioni da Emilio Sereni a oggi (1961-2021)*, Rome 2023, pp. 575–583; G. Salice, *Il mare degli altri: colonie di popolamento del Regno di Sardegna (XVIII secolo)*, CNR: Istituto di Storia dell'Europa Mediterranea, Cagliari 2023.

[6] S. Pira (ed.), *Storia del commercio del sale tra Mediterraneo e Atlantico*, Cagliari 1997.

the situation of the prison population in Cagliari between the end of the 19th century and the first two decades of the 20th century, through which an attempt will be made to give both a diachronic order and a thematic subdivision to the documents concerning the city prisons, the judicial prisons of Buoncammino and the penal colony of San Bartolomeo.

1. *Cagliari's prisons in the liberal age*

After unification, it was necessary to wait the establishment and organization of the two ministries entrusted with the administration of prisons (Interior and Grace and Justice), in order to see the production of the first documentation useful for the reconstruction of both Cagliari and national prison history. An early statistical and management framework is provided by the report of the Director General of Prisons, Martino Beltrani Scalia, which collects the periodic reports compiled by the various inspectors engaged in the supervision of penal institutions.

The report reveals that in 1878 there were 325 prison establishments in Italy, including penitentiary institutes, reformatories and mandamental prisons, with a constant average annual population of approximately 40,000 prisoners awaiting trial and 32,000 convicted prisoners. Some of the penal establishments organised productive activities that employed 26,000 convicts in various arts and crafts, while approximately 6,000 did not engage in any work.

A series of elements, as indicated in the directors' reports, present a rather bleak picture of the post-unification Italian prison system. Firstly, the buildings are generally in a state of abandonment and poor maintenance. Secondly, supply contracts with external firms (especially for food and clothing) are not managed with the necessary care. Thirdly, the health service is remarkably inadequate, considering that in many institutes even the infirmary is lacking. Fourthly, religious assistance and education are often absent, being limited to the celebration of Sunday Mass. Finally, due to structural and personnel shortages, it is almost always very difficult to apply ministerial regulations[7]. Beltrani Scalia is of the opinion that a prison reform is necessary, with the objective of ensuring that punishment is applied for all those "who deserve it". On the other hand, the Director

[7] M. Beltrani-Scalia, *Relazione del direttore generale e degli ispettori delle carceri per gli anni 1878-1883*, cit., pp. 15-27.

General has asserted the necessity of reducing the population of judicial prisons as much as possible and establish agricultural penal colonies in various regions of Italy, designated for the employment of convicts hailing from rural areas[8].

The construction or adaptation of prisons in cellular form was prescribed by Law No. 1653 of January 28, 1864. This functional configuration was designed to isolate prisoners in order to prevent communication between them. Notwithstanding the establishment of a dedicated Building Division, created by the government with the objective of augmenting the number of penal institutions and transferring inmates from judicial prisons, with the aim of enhancing the general conditions of detention, the limited positive effects in the years following unification were confined to the adaptation of judicial prisons with the separation of the criminal section being the only notable development[9].

The prisons in Cagliari are situated within the 4th district (a district of Rome), overseen by Inspector Aristide Bernabò Silorata. The report indicates that the buildings of San Pancrazio and Elefante are in reasonable condition, while the other sites are considered to be in a satisfactory situation. In contrast to San Pancrazio, which remains organised in dormitories, Buoncammino and San Benedetto have a cellular system. The latter is not enclosed by a wall, unlike the Elefante, Buoncammino and San Benedetto facilities. The inspector reiterates, as in previous years, the need to separate prisoners still awaiting trial from those who have been condemned, as well as the advisability of increasing cell imprisonment. The extension of the Buoncammino prison, a project that has been in progress for many years, will enable the concentration of all the inmates dispersed among the other branch prisons in the city.

From a medical standpoint, the prison population in Cagliari exhibits an average sickness rate of 5 per cent, which is equivalent to the rates observed in Camerino, Macerata and Spoleto. This figure stands at one point above the national average of 4 per cent, while the percentage of working prisoners within the overall prison population is 48 per cent, 10 points lower than the national percentage.

Notwithstanding certain issues, including rudimentary sanitation facilities, the penal colonies of Castiadas and Isili demonstrate notable productivity in economic activities. However, the most significant production is associated with the San Bartolomeo penal colony for

[8] Ivi, p. 82.

[9] Ivi, pp. 102-105.

the Società Concessionaria delle Saline di Sardegna, where inmates are engaged in the extraction and transportation of salt.

The objective of the prison administration is to encourage inmates to engage in productive activities, with the aim of counteracting idleness and ensuring the period of their prison sentence is utilised constructively. However, the inspector noted several deficiencies in the system in Cagliari. Firstly, regulations were not being adhered to, for example, the distribution of so-called venal food. Secondly, new admissions to the penal baths were not placed in solitary confinement as required by the regulations of 7 March 1878. Thirdly, the categorisation according to the nature of the offence they had committed was not implemented. Finally, it should be noted that a significant challenge was encountered in the enforcement of nocturnal silence. Indeed, it was also observed that inmates proceeded to their duties in groups, rather than being paired up.

It is widely acknowledged that the Buoncammino prison commenced definitive operations in the latter half of the 1890s, following an extended period of gestation that encompassed proposals, projects, and realisation, dating back to 1854. The new structure would gradually replace all the other places of detention and punishment present in Cagliari in the modern and early contemporary age: in particular, the prisons of San Pancrazio and the so-called Palazzo delle Seziate in Castello.

The inspector laments the absence of a uniform and coordinated penal system in Italy during the latter half of the 19th century, a development that impeded the implementation of central administrative initiatives. Evidence of this, for Bernabò Silorata, is illustrated by the perpetuation of criminal activity and recidivism, which indicates that the present approach to punishment is inadequate for the reduction of crime[10].

Following the completion of the expansion of Buoncammino, which was to become a judicial prison (with the closure of the other prison facilities within the city), and the transformation of the San Bartolomeo penal baths into an intermediate penal home, the situation of Cagliari's prison facilities in the liberal age stabilised, although problems of overcrowding and prisoner management continued to manifest themselves in the first decades of the 20th century.

The penal establishment of San Bartolomeo, which was established in the 1840s for the porpuse of incarcerating convicts who would work in the nearby Molentargius-Poetto salt pans, was transferred from the administration of the Royal Navy to that of the Ministry of the Interior.

[10] Ivi, pp. 387-438.

Consequently, it evolved into an agricultural colony, while maintaining its historical responsibility of supplying labour to the Royal State Salines.

The penal colony farm is located in a region that in the 18th century was cultivated as a vineyard by the city's monastic orders (Carmelites, Jesuits, Franciscans). This area was subsequently replaced in the 19th century by the agricultural enterprises of the city's bourgeoisie, which resulted in the establishment of the now-lost landscape of the peri-urban grapevine[11]. Vine cultivation persisted as a salient feature of the region, as evidenced by the documentation of agronomist Giuseppe Cusmano (responsible for the San Bartolomeo and Castiadas colonies). In 1908, Cusmano documented the introduction of American vines for new plantings, a measure undertaken in response to the diseases that had afflicted the native vines[12].

The San Bartolomeo penal colony also experienced discord with the Saline Company, despite its role in providing labour for salt processing. The colony's director submitted a petition requesting authorisation to utilise the land for livestock grazing between the first and second Poetto towers. However, the Saline management declined the request, stressing the imperative of adhering to the 1903 accord that delineated the penal colony's boundaries as extending to the initial tower on the beach[13].

Collaboration with the penal colony assumed a more proactive character in conjunction with the army: for instance, in 1924, a tract of land adjacent to the Royal Salt Pans was granted for the construction of a riding camp for officers. General Gastone Rossi expressed his gratitude to the administration of the penal colony and issued a directive to the officers, instructing them to refrain from extending their exercises beyond the designated boundaries[14].

An analysis of documentation pertaining to the Cagliari prison system during the late 19th and early 20th centuries reveals the nature of penal institution life at that time. This information was exchanged between the prison administration, the prefecture and the relevant ministries. The

[11] G.G. Ortu, *Ager et urbs. Trame di luogo nella Sardegna medievale e moderna*, Cagliari 2014.
[12] ASCA, BCM, CS, b 138, f. 893 e b. 154, f. 1077.
[13] ASCA, BCM, CS, b. 88, f, 458. In ASC, MININT, DGCR, AG, b. 285, There is a planimetric and topographic map, dated January 4, 1914, of the state-owned lands granted to the prison administration under the agreement of February 14, 1863. The Ministry of the Interior requests clarification regarding the boundaries of the area under the jurisdiction of the intermediate penal institution, especially in light of the construction of the Poetto tramway by Vinalcool, the company owned by entrepreneur Amsicora Capra.
[14] ASCA, BCM, CS, b. 88, f. 458.

film is characterised by its depiction of intricate scenarios, including the dynamics between inmates, guards, and medical personnel; interactions with external suppliers and other administrative entities; and instances of staff resistance against management practices that are perceived as inadequate or degrading.

The conditions of the prisoners and their claims, as well as the work and management of the staff, are monitored by the supervisory councils. However, the reports of these councils are very few and discontinuous in time, as had already been seen in previous decades. The situation pertaining to the city's prison population at the close of the 19th century must not have appeared satisfactory to the visiting commission that inspected the institutes in 1898. The extant correspondence indicates that the Patronage Society, under the leadership of Gavino Nieddu, was found to be inadequately fulfilling its designated role in the care of both prisoners and those being released[15].

In June 1909, Inspector Eugenio Sampò made several grave observations regarding the conduct of the staff at the Buoncammino judicial prison. The observations recorded and the inmates' grievances revealed certain facts that were considered to be of a worrying nature. Firstly, it is important to note that the chaplain, Don Pietro Desogus, who is responsible for the education of juvenile detainees, has interrupted the school service. In addition to this, he is also accused of distributing cigar pieces to the minors, with the intention of ingratiating himself and avoiding complaints.

Concerning the correspondence, it was reported by a number of prisoners that the incoming mail register was not being maintained in an orderly fashion. Furthermore, it was stated that the postmen would open the letters before delivery, a practice which should have taken place only in the presence of the head warder, in front of the recipient prisoner. Sampò (2023) reports several issues relating to overcrowding, which have arisen due to the large number of inmates who have been compelled to be held in cell segregation. In light of this, Sampò considers it beneficial to release inmates who are approaching the conclusion of their sentences. The structure is suboptimally illuminated, particularly within the guards' quarters and the circular section. The walkway is both uncomfortable and challenging to navigate. The inspector posited that it would be necessary to augment the contingent of guards with four additional units. In

[15] ACS, MININT, DGCR, AG, b. 81, Letter from the Minister of the Interior to the Prefect of Cagliari, June 30, 1898. In the same letter, the establishment of a reformatory is once again proposed.

conclusion, the prisoners have raised concerns regarding the inequitable allocation of provisions and the substandard nature of the supplies.[16].

The following year, Inspector Cardosa visited the San Bartolomeo intermediate penal home, where he noted a general improvement in services compared to previous inspections, largely attributable to the efforts of the director Ernesto Bosa and the archivist Raffaele Speranza, who was also entrusted with the maintenance of the registers of convicts. In the period following the inspection in April 1910, the prefect offered the director a formal commendation for the maintenance of the registers, with particular reference to the sanitary register[17].

In the same year, the Buoncammino structure was also inspected again. On this occasion, the inspectors issued a warning to the health director, Lazzaro Trincas. The inspectors found him guilty of two counts. Firstly, they found that he did not ensure that sick prisoners followed an adequate diet. Secondly, they found that he allowed them to purchase surplus food without exercising sufficient control over this process.[18].

In the final days of December 1912, an unidentified report was submitted to the General Directorate of Prisons and Reformatories, a division of the Ministry of the Interior. In the aforementioned letter, the director of the Buoncammino judicial prison is accused of having transformed the structure into a brothel and a mental asylum, where the inmates are dirty and barefoot. It has been asserted that the health service was also subject to negligence. The infirmary pharmacy was found to be stocked with Epsom salt and iodine tincture, which were deemed to be ineffective in combating the cholera epidemic that was underway at the time.

The writers, above all, take issue with the director's excessive leniency towards the prisoners while he reprimands the officers: "a disgrace for our beautiful civilized Italy", they conclude.

The letter is taken from a correspondence published in La Verità, a newspaper published in Livorno, which dedicates a significant amount of space to the situation in the Cagliari prison, in particular to the poor sanitary conditions. In a letter dated 4 january 1913, the director provides a detailed response to each point raised. He recalls how, upon his arrival, the facility was in a state of complete anarchy. The guards exhibited lack

[16] ACS, MINGIUS, DGIPP, AG, b. 106, Report by Inspector Eugenio Sampò on the judicial prisons of Cagliari, June 10, 1909.

[17] ACS, MINGIUS, DGIPP, AG, b. 106, Report by Inspector Cardosa to the intermediate penal institution of San Bartolomeo, April 2, 1910.

[18] ACS, MINGIUS, DGIPP, AG, b. 106, Report on the inspection of the judicial prisons of Buoncammino, April 2, 1910.

of discipline, demonstrated non-compliance with orders, vacated their designed posts, exited the premises without authorisation, and utilised sick leave in excess of the prescribed limits. Francesco Sarta, a guard accused of receiving spit from an inmate, was transferred from the infirmary due to allegations of misappropriation of medicines. In reference to the treatment of inmates, director Sassi draw attention to the malfunctioning of the welfare company, as previously reported. Consequently, he has made every effort to provide assistance particularly to juvenile inmates who are often abandoned by their relatives. Moreover, there was no insurrection by the inmates, but only protests by the minors themselves. In light of the persistent cholera outbreak, the director decided to enhance air circulation by opening select windows, while maintaining the restriction of communication between inmates. Finally, correspondence is delivered promptly: mail received during the evening is delivered the following morning at 8 a.m. Punishments and disciplinary measures applied to both inmates and guards have always been of a lenient nature, with no instances of excessive severity. Sassi suspects that a proportion of officers may be responsible of discontent, however but assertes: "My function is to redeem and not only to repress"[19].

The matter was only closed after a visit to the Buoncammino prison in April 1913 by Inspector Maldacea, who wrote a detailed report. Firstly, it important to note that there was no evidence to suggest that any specific outrages, such as spitting, had been committed against the guards. The prisoners did not voice any objections to the walking, with the exception of one day when the activity was curtailed due to rain. It has been reported that concerns with regards to the organisation of the distribution of food. The air circulation system proposed by the director was found to be an effective measure in combating the cholera epidemic, which, notably, did not result in any infections within the prison. With regard to correspondence, the deputy chief Mercuriale sought to improperly consult the register of the prisoners' mail that is kept available in the commander's office. The postal service is delivered regularly and the postman often remaining at the premises after his designated working hours. The food is of a satisfactory quality, and the infirmary functions adequately. Maldacea is harsher with the guards: he accuses the head guard Pulichicchio of exhibiting preferential treatment towards certain officers in the rotation of shifts and assignments. The inspector concludes

[19] ACS, MINGIUS, DGIPP, AG, b. 424, Letter from the director of the judicial prisons of Buoncammino to the Minister of the Interior, Cagliari, January 4, 1913.

by reiterating that the accusations published in La Verità, in conjunction with the anonymous appeal sent to the ministry, were orchestrated with the intent of undermining the credibility of the director[20].

2. *The 1906 Uprisings in the Cagliari Area*

The living conditions in the prisons of Cagliari were difficult, and certain events further compounded an already fragile system. In 1907, a series of rebellions by prisoners were documented, mainly due to overcrowding and substandard nutrition[21]. These revolts were initiated by those who had been apprehended during the May 1906 uprisings, which erupted in Cagliari and the southern regions of the island (Quartu Sant'Elena, Pirri, Monserrato, Villasalto, and Gonnesa). The protests emerged within a prevailing atmosphere of social discontent, caused by the escalating cost of living and involved confrontations between two factions: one expressing support for Mayor Ottone Bacaredda's administration and the other in opposition. From the city, the protests disseminated to the surrounding towns. The agitation was spearheaded by the female workers of the Tobacco Factory, who convened in an assembly on May 13. From the outset, the reaction of the public forces — which were extensively deployed in the city streets — was evident. Tensions escalated in the following days with the declaration of a general strike and the first violent acts against tax collection offices. Prefect Onorato Germonio's response was characterised by its strength and effectiveness. The social unrest resulted in the resignation of Bacaredda's council. In a final attempt at mediation, the council proposed the creation of two free markets in Piazza Carmine and the Terrapieno[22].

Between 15 and 16 May, the populations of towns around Cagliari rose up, targeting symbols of bourgeois progress such as the stations and tracks of the Campidano Tramway— which was owned by entrepreneur and politician Luigi Merello—and the wine establishments of Amsicora Capra. Tax offices and municipal buildings were also attacked. In Pirri, 23 individuals were indicted on charges encompassing damage, burglary, and

[20] ACS, MINGIUS, DGIPP, AG, b. 424, Report by Inspector Maldacea on the judicial prisons of Buoncammino, April 18, 1913.
[21] ASCA, BCM, CS, b. 264, f. 1987, Important events 1906-1907.
[22] A. Boscolo, *I moti del 1906 in Sardegna*, in «Studi sardi», 8 (1948), pp. 259-276.

the destruction of tram tracks. In the nearby Monserrato, 28 individuals were confronted with analogous charges. In Quartu Sant'Elena, 25 citizens were accused of violence and threats against the mayor and municipal council. The insurgents demanded the immediate cessation of the taxation on beef and the establishment of a fixed prices for the beef (36 cents per 400 grams) and mutton (25 cents per 400 grams). A group of 35 inviduals proceeded to the local tax office, where they burned and destroyed documents, and assaulted municipal secretary Cav. Felice Maxia and office head Raffaele Accardo. In nearby town of Quartucciu, 50 individuals gathered with the intention of demoloshing the tramway and setting alight the municipal tax office. In Selargius, 44 citizens engaged in acts of civil disobedience by destroying tax documents and setting fire to the tram station[23].

The arrests that occurred during this period resulted in an overcrowding of the Buoncammino prison, with inmates awaiting trial demanding their release. Records show that in 1906, 52 people were detained for the Cagliari events and 71 for the San Vito uprisings. In January 1907, a simulated suicide in a cell provided the pretext for a revolt aimed at securing release. A sense of discontent began to manifest among inmates: in June 1907, this discontent was initially directed by Giovanni Ghiani towards the minor Ernesto Mundula, and subsequently towards the commander Busonera. Ghiani, a native of Cagliari, was later assaulted by other inmates, which was an act of retaliation. The prison administration has expressed concerns regarding the shortage of personnel required to undertake inmates searches, especially in the aftermath of court hearings. During such instances, inmates are known to come into contact with relatives and acquaintances who provide them with contraband, often in the form of bundles containing offensive tools[24].

Protests in judicial prisons continued in the following years: in April 1908, an inmate named Efisio Laconi became enraged and was placed in solitary confinement as a result[25]. Subsequently, there were reports of further acts of defiance on the part of Raffaele Casu, and of Francesco Orry being the wounded by Erminio Arrais. In addition, there was an account of Efisio Ena attempting suicide[26].

[23] ASCA, Court of Cagliari, Criminal Sentences 1907, folders 494, 495, 497, 501, 502, 503.
[24] ASCA, BCM, CS, b. 264, f. 1987 Important events 1906-1907.
[25] ASCA, BCM, CS, b. 264, f. 1996, Important events 1907-1908.
[26] ASCA, BCM, CS, b. 264, f. 1992, Important events 1910-1911.

In October 1915, a protest was organised by inmates at the Buoncammino prison. The protest contained by the cooperation of inmates Cimbro Usai and Francesco Piras—both close to being released—and the deployment of 20 additional carabinieri and 50 soldiers by the police chief. A publication by Commendatore Giovanni Battista Avallone was circulated among the inmates, proposing the rehabilitation of prisoners by sending them to the front in the war against Austria. Nevertheless, a significant proportion of inmates expressed their opposition to the prospect of being transferred to the penal colony of San Bartolomeo, where they would be compelled to engage in agricultural and saltworks labour[27].

As previously mentioned, a significant aspect of the San Bartolomeo colony was its contribution of labour to the Royal Saltworks. The number of convicts assigned to these tasks varied according to season and the requirements of salt harvesting. In 1891, the penal house accommodated 1,300 convicts (a number that decreased in later years due to the opening of Buoncammino), and between 700 and 800 men were required for salt collection. The conditions were extremely challenging: work was primarily conducted during the summer months, involving the loading of salt onto ships and the removal of salt crusts using tools such as hoes, in an environment characterised by standing water. The prisoners exhibited signs of various ailments, including wounds, ulcers, and sunstroke. Ad demonstrated in Figure 1, the number of workdays recorded increased from 122,605 in 1907 to 125,806 in 1908 and 143,320 in 1909.

It is evident that the challenging nature of the working conditions resulted in a series of demonstrations during those years. The prison administration, represented by Inspector General Sampò, sought to mediate with Central Inspector of Monopolies Corner to ease the workload. In March 1907, a new agreement was ratified for salt collection, cleaning, and transport, which included minor increments in remuneration for both workers and involved agents. In August 1907, a re-definition of loading procedures was implemented, with measures introduced with the aim of limiting violent acts by convicts against free personnel of the Finance Administration. This was achieved through increased joint oversight by saltworks and prison officers[28].

Notwithstanding the evident inconsistencies, statistical data pertaining to the prison population of San Bartolomeo offer a reasonably precise representation of the inmates' professions, origins, and activities. The

[27] ASCA, BCM, CS, b. 49, f, 182, Letter to the Prefecture of Cagliari, October 20, 1910.
[28] ACS, MINGIUS, DGIPP, AG, b. 41.

facility under discussion contained nine common dormitories for 660 inmates, nine solitary confinement and punishment cells, five infirmary rooms for 42 patients, four workshops with 30 workstations, one bathtub, and five shower rooms between 1914 and 1916. The majority of inmates were transferred from other prisons, predominantly from outside Sardinia (with the majority hailing from Sicily, Campania, Apulia, and Lazio). Notably, approximately two-thirds of the inmates were serving sentences exceeding 10 years. Over half were serving the final years of their sentence in this intermediate penal house near the saltworks. The predominant age group was 30–40 years, and approximately half of the sample had completed elementary education or were literate. A survey conducted at the time of admission revealed that one-third of the subjects themselves to be farmers. Upon release, however, there was an increase in the number of indivduals employed as salt workers, labourers and porters— all of whoms were engaged in activities related to the production of the intermediate penal house[29]. From a health perspective, the most prevalent diagnoses were infectious diseases, particularly affecting the digestive system, and skin conditions—likely burns and irritations caused by the prolonged exposure to the saltworks.

Table 1 – Trends in the Prison Population of San Bartolomeo 1914–1916[30]

Year	Inmates on January 1st	Admitted During the Year	Released During the Year	Remaining on December 31st	Outdoor Workdays / Wages Paid
1914	537	172	217	492	189,943 / 165,448.44
1915	492	266	317	441	164,263 / 161,379.49
1916	441	152	144	449	161,835 / 146,944.05

As of 31 December 1920, there prison population stood at 354 inmates, 45 of whom had been convicted by military tribunals. The total number of releases (the majority of which were due to transfers to other institutions or amnesty and pardon) was 182, including 26 military prisoners. Of the inmates who remained during the year, 157 declared themselves as farmers at the time of their admission, while 194 became salt workers during their incarceration. The total number of workdays

[29] ASCA, BCM, CS, b. 193, f. 1461.

[30] Author's analysis based on data extracted from ASCA, BCM, CS, box 193, file 1461.

decreased to 122,978, with the gross wages amounting to 142,250.58 lire (of which the majority was spent on extra food rations, with a value of 108,346.03 lire) [31]. The decline in working hours was partly due to the mechanization of labour in the saltworks.

Conclusions

Notwithstanding the challenges posed by a voluminous yet frequently incomplete documentation, it remains flesible to delineate certain that depict the status of the prison population in Cagliari during the 19th and 20th centuries. Firstly, the structural problem of the buildings is evident: until the end of the 19th century, Cagliari's prisons were distributed across multiple facilities organized according to the principles of the Ancien Régime. Ministries and the Prefecture repeatedly recommended the separation of inmates awaiting trial (who constituted the majority of the prison population) from those who has already been convicted of a crime. However, the limited space and an organizational system that was still based more on dormitories than cells prevented the real application of regulations aimed at avoiding contact between inmates. The management of supplies, particularly food, emerged as a pivotal issue in the communication between different levels of government. The substandard quality and quantity of rations stood in stark contrast to the stringent control over food imposed by inmates' families and the additional food procured, especially by those with higher incomes. The issue of inmate labor was a key focal point of the study. In judicial prisons inmates were employed to a limited extent in internal services. San Bartolomeo, with its 'salt convicts,' utilized the majority of the prison labour force, drawing from the inmates of Buoncammino and Castiadas during the salt harvesting season. The intermediate penal house of San Bartolomeo appeared to be more centralized than other facilities, at least until the first two decades of the 20th century. The internal context of the prison remains ambiguous due to the paucity of reports from oversight commissions and can only be partially inferred from notes on escapes, suicides, and revolts. Evidence suggests that the reform attempts initiated by the central government in the 1880s — including Beltrani Scalia's reorganization of internal administration and control mechanisms

[31] ASCA, BCM, CS, b. 172, f. 1301.

entrusted to inspectors, as well as the collection of statistical data — were implemented slowly and with difficulty implementation in Cagliari's prisons. Unanticipated occurrences, such as the 1906 riots that resulted in the apprehension of hundreds of men and women, exerted pressure on the penal institutions (including the recently expanded Buoncammino prison), further compounded by the limited number of prison guards. The challenges experienced by prisoners, particularly with regard to their visual perception, were a recurring theme during the initial two decades of the 20th century. These difficulties served as a reflection of the living conditions within the prison environment.

Marco Maria Aterrano

A 'Universal Remedy'? State of Siege and Disarmament Practices in Italy's Public Order Policing, 1849-1898

Summary: Introduction – 1. The Political State of Siege from Revolutionary France to 1848 Europe – 2. The 'Piedmontese System': from Genoa 1849 to Sassari 1852 – 3. A Tool for State Building: the Kingdom of Italy, 1862-66 – 4. Policing Political Dissent: The 'Fin de Siècle Crisis' – 5. Conclusion. Postwar Applications and Contemporary Legacies.

Introduction

The use of extraordinary powers in response to emergencies – whether real or perceived – has once again come to the fore in recent times. The reaction to the Covid-19 pandemic, marked by the generalised imposition of severe restrictions, revealed the readiness of modern states to suspend ordinary legal frameworks in the name of public safety.[1] Yet the state of emergency so readily invoked on a global scale in 2020-21 was no unprecedented novelty. Over roughly the past quarter century, it has, in fact, become a structural feature of democratic governance. Nowhere was this tendency more visible than in the United States, where, in the aftermath of the attacks of 11 September 2001, a sweeping series of extraordinary measures was adopted to wage the so-called 'war on terror'. The Patriot Act of 26 October 2001 laid the foundations for a prolonged curtailment of civil liberties and a dramatic expansion of federal powers in security matters, establishing a pattern regarded as symptomatic of a broader "illiberal trend in contemporary politics".[2] More generally, as Giorgio Agamben has observed, "the state of exception increasingly functions as the dominant paradigm of government".[3] The phenomenon

[1] Y. Won, *Emergency Powers and COVID-19 Derogations*, in «International Journal of Constitutional Law», 23, 1 (2025), pp. 113-147.

[2] *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act*; also see the Military Order of 13 November 2001, *Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism*; F. Benigno, L. Scuccimarra, *Introduzione*, in *Il governo dell'emergenza. Poteri straordinari e di guerra in Europa tra XVI e XX secolo*, Roma 2007, pp. 7-14.

[3] G. Agamben, *Stato di eccezione. Homo sacer*, II, Torino 2003, p. 11; see also A. Venanzoni, *La tirannia dell'emergenza*, Macerata 2023.

carries a nuanced range of connotations, historical occurrences, and vocabulary – a "linguistic and conceptual Babel", to reprise an evocative formulation.[4] Terms like *emergency*, *exception*, *necessity* – and their corollaries, such as absolute politics and martial law –, are polysemic concepts that often overlap, yet remain substantially distinct, generating confusion in public discourse.[5]

The practices connected to the state of exception are, however, far from a 21st-century innovation; rather, they represent the culmination of a long-standing tradition forged in post-revolutionary Europe.[6] During the 19th-century, challenges to established authorities prompted the creation of 'defensive' instruments in which "the oppositional pair *ordinarium/ extraordinarium* played a 'structuring' role".[7] When confronted by internal crises – from political revolutions to social unrest – most European states routinely resorted to exceptional devices. Among these, the proclamation of the so-called *state of siege* gained rapid centrality. It entailed the suspension of the prevailing legal order in specific jurisdictions and the concentration of authority in military hands, justified by the immediate necessity for the effective repression of disorder. For the authorities of the nascent modern state, such emergency powers became an essential safeguard: a means "to prevent the new civil and political rights from being 'misused' to agitate against the state".[8] Unsurprisingly, these measures proliferated in the wake of the revolutionary upheavals of 1789, 1848, and 1871.

Formally defined as the suspension of constitutional frameworks

[4] L. Lacchè, *Le emergenze del diritto. Qualche riflessione storico-giuridica su quattro paradigmi (extraordinarium, necessità, stato di eccezione, stato di emergenza)*, in *I valori dell'ordinamento vs. esigenze dell'emergenza in una prospettiva multidisciplinare*, ed. by R. Sacchi, Milano 2022, pp. 15-48, p. 15.

[5] Ibidem. M. Meccarelli, *Paradigmi dell'eccezione nella parabola della modernità penale: una prospettiva storico-giuridica*, in «Quaderni storici», 44, 131 (2009), pp. 493-521.

[6] On the evolution of the state of exception: *Il governo dell'emergenza*; *Per una ricognizione degli "stati d'eccezione". Emergenza, ordine pubblico e apparati di polizia in Europa: le esperienze nazionali (secc. XVII-XX)*, ed. by E. Pelleriti, Soveria Mannelli 2016; C. Latini, *Governare l'emergenza. Delega legislativa e pieni poteri in Italia tra Otto e Novecento*, Milano 2005. For a juridical and philosophical reflection: C. Schmitt, *Dictatorship. From the Origin of the Modern Concept of Sovereignty to the Proletarian Class Struggle*, Cambridge 2014 [1921]; W. Benjamin, *On the Concept of History*, VIII, 1940.

[7] Lacchè, *Le emergenze del diritto*, pp. 20-21.

[8] A. Caruso, *Patterns of (Extra)Ordinary Repression: The "Political" State of Siege in France, Italy, Germany, and their Colonial Empires, c. 1790-1900*, in «Bulletin of the German Historical Institute», 74 (2024), pp. 95-118, p. 98; P. Grasso, *Figure di stato d'assedio negli ordinamenti costituzionali contemporanei*, «Il Politico», 24, 2 (1959), pp. 327-346.

and the transfer of civil jurisdiction to military command, the state of siege gradually evolved from a mechanism of wartime defence into an instrument of domestic policing. This transition marked a decisive doctrinal shift, transforming the siege from a military reality into a "fictitious or political" legal construct.[9] Paradoxically, the state of siege was both a corollary of constitutionalism – intimately tied to the rise of representative government – and a primary vehicle for its temporary abrogation, creating an exceptional condition in which the constitution itself could be suspended. At the heart of this system lay the military authority's capacity to issue extraordinary decrees. In the Kingdom of Italy , for instance, Article 251 of the Military Penal Code empowered commanders in besieged territories to enact provisions with the force of law, thereby giving concrete form to emergency governance. Applications varied with conditions on the ground, producing an improvisational mixture of restrictions tailored to the crisis at hand: typical were bans on public assembly, press censorship, curfews, and movement controls.[10] One measure within this repressive toolbox, however, remained virtually constant: the systematic restriction of legal possession and carrying of firearms – a cornerstone of public order policing since the post-Napoleonic Restoration.

In an era of recurrent social tensions and ideological strife, gun control policies became central to domestic security. The state of siege enabled the revocation of gun licences and mandatory surrender of private firearms, criminalizing what had been lawful ownership and shifting targeted regulation into outright prohibition for the duration of the emergency.[11] Nineteenth-century Italy exemplifies this paradigm with particular clarity. The fusion of exceptional police powers, suspended constitutional guarantees, and civilian disarmament practices emerged as a decisive instrument of governance. Far from rare deviations, these measures evolved into recurring features of Italian political life: the exception gradually became the norm, invoked whenever internal unrest threatened the state's fragile

[9] Agamben, *Stato di eccezione*, p. 14.

[10] G. Bascherini, *Lo stato d'assedio nell'esperienza statutaria italiana*, in «Giurisprudenza costituzionale», 39 (1994), pp. 4267-4315, p. 4268.

[11] For an overview of gun policies in 19th-century Europe: M.M. Aterrano, *La pacificazione degli animi. Controllo delle armi e disarmo dei civili in Italia, 1817-1926*, Roma 2023; D. Ellerbrock, *Gun Violence and Control in Germany, 1880-1911: Scandalizing Gun Violence and Changing Perceptions as Preconditions for Firearm Control*, in «Control of Violence», ed. by W. Heitmeyer et al., New York 2011, pp. 185-212; È. Fournier, *La critique des armes. Une histoire d'objets révolutionnaires sous la III République*, Paris 2019; M. Millan, *Belle Epoque in Arms? Armed Associations and Processes of Democratization in Pre-1914 Europe*, in «Journal of Modern History», 93, 3 (2021), pp. 599-635.

legitimacy.

By tracing these developments from their revolutionary origins, this essay examines the Italian reinterpretation and expansion of the state of siege and related practices over the course of the 19th century, focusing on its institutional consolidation, its relationship to public order doctrines, and its enduring legacy in modern security governance.

1. *The Political State of Siege from Revolutionary France to 1848 Europe*

The development of such measures was long in gestation. Modern state of siege legislation traces its deep roots to revolutionary France, where it first emerged in the summer of 1791 as a response to mounting republican protests against the proclamation of the constitutional monarchy. Confronted with growing internal pressure, the new French state enacted the law of 10 July 1791, institutionalizing the state of siege. Within this framework, once a department was declared *hors de la constitution* by the executive, the military commander assumed full authority over it – as if besieged by an enemy army – and was granted ample powers to restore law and order.[12] Resorting to such extraordinary means to manage civil turmoil and political dissent quickly became routine in revolutionary France; within months, at least eighty-five political states of siege had been implemented.[13]

Napoleon Bonaparte fully exploited these provisions, further extending them through a decree of 24 December 1811 that authorized the Emperor to impose martial law on cities facing external threat or internal sedition. Martial law thus evolved not only to prevent insurrections but to distinguish supporters of the constitutional order from its opponents. This conceptual broadening transformed the state of siege from a wartime mechanism for military strongholds under external assault into a political tool for urban centres gripped by civil unrest. While its core features remained unaltered, their application now targeted 'internal enemies'. The resulting variant became known as *état de siège politique*, or fictitious state of siege.[14]

[12] F. Contuzzi, *Stato d'assedio*, in *Il Digesto Italiano*, Torino, XXII, 1895, pp. 183-185; Agamben, *Stato di eccezione*, pp. 21-32.

[13] Caruso, *Patterns of (Extra)Ordinary Repression*, p. 101. This initial attempt to legalize martial law was superseded by subsequent legislation on 5 September 1797.

[14] G. Motzo, *Assedio (stato di)*, in *Enciclopedia del diritto*, vol. III, Milano 1958, pp.

This development constituted one of the period's most consequential political innovations. In the early 19th century, the concept and its mechanisms travelled across Europe via Napoleon's imperial expansion, adopted in German, Austrian, Spanish, and Italian regions under French administration. Parallel to bureaucratic consolidation, regimes equipped themselves with extraordinary powers to suspend ordinary legal procedures during emergencies, thereby enabling more effective crisis governance.

During the Restoration, rulers routinely deployed these measures to suppress dissent and dismantle political opposition. Yet, the continent-wide revolutionary wave of 1848-1849 marked a decisive turning point. Amid widespread ferment, institutions underwent a qualitative transformation in repressive practices, as most European states formalized legal bases for martial law. In Karl Marx's effective definition, the political state of siege became "a universal remedy" for the restoration of order.[15]

This idea reached its most comprehensive formulation in the French law of 9 August 1849, which granted military authorities in the areas placed under martial law four extraordinary police powers: the right to conduct domiciliary searches, deport 'suspicious' individuals, ban meetings and, crucially, "order the surrender of weapons and ammunition, and proceed to search for them and remove them".[16] The Prussian state of siege law of 1851 included comparable provisions, refining pre-existing practices of civilian disarmament.

The 1848 revolutions saw an unprecedented proliferation of arms among civilians, as lines blurred between soldiers, combatants, and civilians. The expansion of civic militias such as the National Guard facilitated the circulation of firearms and normalized their civilian possession – increasingly celebrated as instrument of inclusion in the emerging national communities. This mirrored a broader process of democratization under way: bearing arms shifted from collective duty to individual right.[17] Conversely, massive armed mobilization led authorities

250-268, p. 253.

[15] *Marx-Engels- Gesamtausgabe: Werke, Artikel, Entwürfe, Oktober 1848 bis Februar 1849*, Berlin 2020, vol. 8, p. 846, quoted in Caruso, 'Patterns of (Extra)Ordinary Repression', p. 105.

[16] Law 9 August 1849, Article 9, in Contuzzi, *Stato d'assedio*, p. 194.

[17] On the nexus between arms and citizenship: D. Ellerbrock, 'Gun Rights as Privileges of Free Men, Gun Rights as Privileges of Free Men: Chronology of a Powerful Political Myth of Nineteenth and Twentieth Century', in *A Man's World? Political Masculinities in Literature and Culture*, ed. by K. Starck and B. Sauer, Cambridge 2014, pp. 67-79; U. Frevert, *A Nation in Barracks: Modern Germany, Military Conscription and Civil Society*, Oxford 2004,

to deem civilian disarmament an essential prerequisite for the restoration of order. Its combination with martial law solidified into a customary response to internal disorder.

In 1849, large swaths of the continent fell under states of exception, including Italian regions under Austrian occupation. There, Habsburg Field Marshal Josef Radetzky, tasked with coordinating the repression in the peninsula, imposed the state of siege systematically. After the *Cinque Giornate* uprising in Milan, he launched a vast campaign of civilian disarmament, enacting a sequence of martial law proclamations.[18] His generals replicated this model in Verona, Mantua, Cremona, and Trento, as did Austrian commanders in central Italy. Their pacification efforts standardized this emergency administrative template: revocation of gun licences, suspension of legitimate private gun ownership, compulsory surrender of firearms, and establishment of military tribunals.[19] French forces in Rome adopted a similar approach: after a two-month siege ending the democratic experiment of the Roman Republic on 3 July 1849, General Nicolas Oudinot imposed transitional military rule and ordered general civilian disarmament.[20]

The 1849 disarmament campaigns that affected the Italian peninsula – and the rest of the continent, with similar episodes taking place in Berlin, Budapest, Paris, and Vienna – were temporally limited and crisis-driven. Yet, as military authorities framed order restoration around the disarmament of organized militias and private citizens alike, emergency restrictions on private gun ownership acquired lasting legitimacy – a precedent other States duly noted.

pp. 113-132; M. Meriggi, *Dalla cittadinanza attiva alla sudditanza "militante". La guardia urbana nel Regno delle Due Sicilie*, in *Finis civitatis. Le frontiere della cittadinanza*, ed. by M. Aglietti, Roma 2019, pp. 15-31; E. Francia, *Le baionette intelligenti. La Guardia nazionale nell'Italia liberale (1848-1876)*, Bologna 1999.

[18] A. Monti, *Il 1848 e le Cinque Giornate di Milano: dalle memorie inedite dei combattenti sulle barricate*, Milano 1948, pp. 39-57; F. Fucci, *Radetzky a Milano*, Milano 1997, p. 87.

[19] M. Embree, *Radetzky's Marches. The Campaigns of 1848 and 1849 in Upper Italy*, Solihull 2011.

[20] A. Capone, *«Une guerre de police». L'occupazione francese e la protezione dei compromessi politici nell'ultima restaurazione pontificia*, in «Il Risorgimento», LXV, 2 (2018), pp. 55-84.

2. *The 'Piedmontese System': from Genoa 1849 to Sassari 1852*

The Kingdom of Sardinia was quick to adapt to the new political reality. Soon after granting its liberal charter – the *Statuto Albertino* –, it adopted and refined the emergency practices tested across the peninsula in 1848-49, embedding them into its constitutional framework as a frequent, albeit formally exceptional, response to internal threats. Piedmontese authorities resorted to these methods well before the construction of the national state, setting precedents that profoundly shaped post-unification security policies.

The 1849 democratic uprising in Genoa offered a first chance to test the conjunction of martial law and civilian disarmament on a systematic scale. In March, news of the Piedmontese defeat at Novara sparked insurrection, with the population briefly establishing a republican municipal authority that threatened the constitutional order. Vittorio Emanuele II responded swiftly, appointing General Alfonso La Marmora as Royal Commissioner with full executive powers. Two days later, La Marmora imposed a state of siege on the city.[21]

This proclamation granted La Marmora extraordinary police authority. His measures encompassed a wide spectrum of restrictions that ranged from banning bell-ringing to requiring special movement permits. Yet the confiscation of firearms formed the centrepiece of his pacification strategy. Drawing on Austrian operations in northern and central Italy, La Marmora ordered the suspension of all civic militias and the immediate surrender of "all weapons, without exception". Citizens found in contravention faced trials in military courts, established with a separate proclamation of 12 April.[22]

The unprecedented scope of La Marmora's intervention generated significant operational confusion among local authorities. After all, this represented an untested experiment; nothing comparable had been attempted before by the House of Savoy. Unsurprisingly, the application of the Commissioner's directives suffered from substantial uncertainty, as the administrative machinery was still effectively being improvised.

The Genoa uprising, while audacious, proved short-lived. Within days, Piedmontese troops, operating under the protective umbrella of martial law and freed from ordinary constitutional constraints, rapidly

[21] Royal Decree 1 April 1849 appointing La Marmora as Special Commissioner; Royal Decree 3 April 1849 proclaiming the state of siege, in *Raccolta per ordine cronologico di tutti gli atti decreti, nomine ecc. del Governo provv. della Repubblica veneta*, vol. 7, Venezia 1849, pp. 46-47.

[22] La Marmora's edict on disarmament, 3 April 1849, ibidem.

brought the situation under control. The state of siege itself, however, persisted far longer than the emergency that justified it, remaining in force until 11 July 1849.[23] Over three months, Genoa endured one of the first systematic campaigns of general civilian disarmament conducted by a legitimate constitutional government rather than by foreign occupation forces, undertaken explicitly to restore order in response to an internal civil crisis. For this reason, the episode's significance extended considerably beyond the specific case, as it spurred a broader institutional reflection on the reach of state authority and the legitimacy of extraordinary measures, lending future interventions a legitimacy that would prove consequential.

Further opportunities to experiment on similar situations soon arose. In February 1852, the Sardinian city of Sassari underwent a parallel ordeal, when a minor altercation between locals and a contingent of Bersaglieri during carnival festivities – resulting in the death of a single soldier – provided the pretext for the Turin government to respond with overwhelming force.[24] The echo of the incident, amplified by speculations on the revolutionary intentions of the local population, led Vittorio Emanuele II to appoint General Giovanni Durando as Special Commissioner on 29 February. Following the procedure tested in 1849, he was invested with the same executive and military powers his predecessor La Marmora had enjoyed in Genoa.[25]

Soon thereafter, Durando put those powers to use. On 5 March, he declared a state of siege, unleashing a cascade of restrictions upon the civilian population: night curfews and mandatory street lighting, bans on public gatherings, repression of resistance to authority, and expulsion of non-residents.[26] Recognizing the siege as a chance to curb chronic armed violence in Sardinia – despite many observers criticizing it as egregiously excessive – Durando ordered the general disarmament of the civilian population on 9 March. The decree was explicitly framed as a means

[23] Law on emergency powers voted by Parliament, 20 March 1849.

[24] The episode is analysed in M.M. Aterrano, *Stato d'assedio e controllo delle armi in Sardegna nel 1852. Alle origini delle misure straordinarie di polizia nell'Italia liberale*, in *Retoriche, idee e vicende del lungo Risorgimento italiano*, ed. by S. Bottari et al., Roma 2023, pp. 171-189. See also G. Murgia, *Un'isola, la sua storia. La Sardegna sabauda (1720-1847)*, Cagliari 2014; A. Durzu, G. Murgia, *Dalla fine del Regnum Sardiniae allo stato d'assedio (1847-1852)*, in «Archivio sardo», 1 (1999), pp. 93-115.

[25] Royal Decree 29 February 1852, in *Giornale militare ossia Raccolta uffiziale delle leggi, regolamenti e disposizioni relativi al servizio e all'amministrazione militare di terra e di mare*, Torino 1852, p. 67.

[26] Durando's Decree, 5 March 1852, ivi, pp. 67-68.

of eradicating what was seen as the primary cause of unrest across the province, namely the persistent abuse of private firearms. Its seven articles prescribed the unconditional surrender of "all proper weapons without distinction, whether rifles, pistols, sabres, swords, daggers", within twenty-four hours under penalty of arrest.[27] Arms manufacturers and dealers were also required to report all weapons in their possession, effectively extending state oversight to the entire chain of supply. The firearms were to be delivered to the town hall, where an artillery officer and a municipal employee carefully inventoried and tagged them with labels indicating the name and domicile of their owners.

Over the following two weeks, more than 3,000 weapons were surrendered voluntarily.[28] Once the window for formal surrender expired, however, the nature of the operation underwent a fundamental shift from preventive to repressive. Backed by hundreds of soldiers dispatched from the Italian mainland, Durando launched a systematic campaign of home searches to recover hidden firearms.[29]

The state of siege imposed on the provinces of Sassari and Tempio ended by royal decree on 9 August 1852, with Durando relinquishing his duties and the extraordinary police measures expiring. Yet, the effects of the extended emergency did not subside with the restoration of ordinary administrative practice. On the contrary, as historian Girolamo Sotgiu has noted, in Sardinia "the state of siege became a system of government."[30] What had been conceived as a temporary deviation from constitutional normalcy gradually acquired the character of an institutionalized mechanism of control.

This pattern extended well beyond Sardinia. Even more emphatically than Genoa, Sassari demonstrated that derogating from the regular normative framework provided a remarkably efficient instrument for the pacification of rebellious peripheries. Exceptional powers, once invoked under the justification of emergency, could be deployed to circumvent the limitations imposed by ordinary criminal law, enabling authorities to act with a firmness unattainable under normal constitutional procedures.

The repression in northern Sardinia had thus brought, for the first time during peacetime, the deliberate combination of state of siege and civilian disarmament to full fruition. This association would prove exceedingly

[27] Durando's Decree, 9 March, Art. 1, in «Gazzetta del Popolo», 10 March 1852, V, 60.
[28] «Gazzetta del Popolo», 22 March, V, 70; «Italia e Popolo», 13 March 1852.
[29] «Gazzetta Piemontese», 2 March 1852, 59.
[30] G. Sotgiu, *Storia della Sardegna dopo l'Unità*, Roma-Bari 1986, p. 40.

impactful in the decades to come. In a speech before Parliament, Sardinian politician Niccolò Ferracciu cautioned his peers against the legitimisation of such a dangerous course: "Yesterday the precedent of Genoa was invoked for Sardinia. Tomorrow the precedents of Genoa and Sardinia could be invoked for Alessandria; later for another province those of Genoa, Sardinia and Alessandria...".[31] Ferracciu proved prescient: the normalization of exceptional policing measures would indeed become a privileged instrument for the 'pacification' of the unruly peripheries in the 1860s, as the new Italian state struggled to assert its authority over territories that resisted incorporation into the national framework.

3. *A Tool for State Building: the Kingdom of Italy, 1862-66*

The complex legacy of the Piedmontese interventions in Genoa and Sassari fully unfolded in the early post-unification years. In the turbulent context of what has been termed the "First Italian War",[32] the interplay between norm and exception reached its most developed and problematic form. Tensions were especially acute in the former Borbone territories, where conventional military confrontation gave way to a protracted, low-intensity guerrilla conflict between the Italian army and a wide constellation of irregular formations – a "war for the Mezzogiorno".[33] Governance in these regions relied heavily on the concentration of power in military hands, engendering a semi-permanent state of war even in nominal peacetime. There, the repressive apparatus consolidated in previous decades proved indispensable, as the practice of suspending the ordinary legal framework underwent a process of 'normalization'.

The severe public order crisis that struck Sicily and the continental South in the summer of 1862 prompted the first national recourse to the *stato d'assedio*. The convergence of expanding political brigandage with Giuseppe Garibaldi's renewed expedition to conquer Rome marked a moment of profound instability for the Italian Kingdom. The mobilization of armed volunteers, who landed in Calabria in late August, challenged

[31] Atti Parlamentari, Camera dei Deputati, *Discussioni*, 27 April 1852, p. 483.

[32] *La prima guerra italiana. Politiche e pratiche della lotta al brigantaggio nel Mezzogiorno*, ed. by A. Capone, Roma 2023.

[33] C. Pinto, *La guerra per il Mezzogiorno. Italiani, borbonici e briganti 1860-1870*, Roma-Bari 2019; S. Lupo, *L'unificazione italiana. Mezzogiorno, rivoluzione, guerra civile*, Roma 2011.

a fragile state anxious to protect its integrity against both external and internal threats. The cabinet headed by Urbano Rattazzi, drawing upon pre-unification precedents and "judging the means of ordinary repression inadequate", opted for extraordinary measures.[34] Alfonso La Marmora – the man responsible for the repression of the 1849 Genoese uprising, now serving as Prefect in Naples – and Efisio Cugia, his counterpart in Palermo, placed the whole of Sicily under siege when Garibaldi entered Catania on 19 August. Fearing a further spread of the democratic insurrection, the continental provinces soon followed.[35]

Modelling their interventions on the precedents of Genoa and Sassari, both Commissioners accompanied the siege with the suspension of freedoms of press and assembly. Days later, the general disarmament of the civilian population was ordered across all affected provinces. Because unification had been achieved partly through the mobilization of armed volunteers and was now contested by irregular formations, the circulation of weapons became a primary concern for national and local authorities.[36]

The *stato d'assedio*, which remained in effect until November 1862, marked a turning point in the effort to impose – symbolically and materially – exclusive state authority on the Mezzogiorno. The episode consolidated the state of siege as a fundamental instrument for pacification, offering the state an opportunity to intervene decisively against both large-scale brigandage and democratic political opposition – seen as two distinct manifestations of the same challenge to constitutional normality.[37] Military commanders were empowered to suppress disorders without constraints, allowing institutions to govern the emergency unchecked by the *Statuto*. Such measures clarified that the state alone was the ultimate repository of sovereignty, as restrictive interventions assumed the character of "a firm and angry claim to authority".[38]

[34] 'Relazione fatta a S.M. il 17 agosto 1862 dal Consiglio dei Ministri', *Gazzetta Ufficiale*, 22 August 1862.

[35] La Marmora and Cugia's proclamations, 20 August 1862, in Archivio di Stato Napoli, *Gabinetto di Questura*, b. 5; see also R. Martucci, *Emergenza e tutela dell'ordine pubblico nell'Italia liberale. Regime eccezionale e leggi per la repressione dei reati di brigantaggio (1861-1865)*, Bologna 1980, p. 225; F. Molfese, *Storia del brigantaggio dopo l'Unità*, Milano 1966, pp. 162-173.

[36] C. Alianello, *La conquista del Sud. Il Risorgimento nell'Italia meridionale*, Milano 1972, p. 232; Martucci, *Emergenza e tutela*, p. 42.

[37] F. Benigno, *La mala setta. Alle origini di mafia e camorra, 1859-1878*, Torino 2015, p. 139.

[38] E. Cecchinato, *Camicie rosse. I garibaldini dall'Unità alla Grande guerra*, Roma-Bari 2007, pp. 73-74.

The 1862 state of siege fell squarely within the trajectory of the experiments conducted by the Kingdom of Sardinia, while adapting them to an incomparably greater geographical and political scale. Yet, repression did not cease once the emergency was lifted. On the contrary, the first decade of national life saw the Kingdom of Italy draw extensively upon this tradition of flexible control, maintaining a 'dual option' between ordinary and extraordinary governance.[39]

In Sicily, where social unrest resurfaced frequently, this osmotic process was particularly evident, turning the island into an ideal laboratory for repressive practices. The operations led in Palermo by Giovanni Bolis, Giuseppe Govone, and Filippo Antonio Gualterio between 1862 and 1865 took on the form of 'special operations' – exceptional in nature, yet conducted outside the formal legal umbrella of the state of siege.[40]

In September 1866, these inclinations were confirmed during the repression of the *Seven and a Half Days Revolt* in Palermo. Against the backdrop of the war with Austria and mounting social protests, the city fell to approximately 40,000 insurgents.[41] In a harsh response, on 18 September the Ricasoli cabinet appointed Raffaele Cadorna, commander of the military forces stationed in Sicily, as Commissioner. Although Ricasoli had ordered him to avoid a formal proclamation of the *stato d'assedio*, Cadorna placed Palermo and the surrounding areas under siege just four days later.[42]

In a telling reversal of logic, the imposition of martial law followed the restoration of order rather than preceding it: by the time the decree was published, government forces had already regained control of the city. Cadorna's decision, taken in defiance of direct orders, prompted a slew of edicts prohibiting assembly and introducing curfews. Reprising

[39] On the state of siege in the South: Martucci, *Emergenza e tutela*; Molfese, *Storia del brigantaggio dopo l'Unità*; Latini, *Governare l'emergenza*, pp. 121-40; L. Violante, *La repressione del dissenso politico nell'Italia liberale: stati d'assedio e giustizia militare*, in «Rivista di storia contemporanea», 1 (1977), pp. 481-524; L. Matrone, *Libertà e ordine: la gestione dei tumulti urbani nel primo decennio postunitario*, in «Passato e presente», XL, 115 (2022), pp. 182-200.

[40] E.G. Faraci, *I prefetti della Destra storica. Le politiche dell'ordine pubblico in provincia di Palermo, 1862-1874*, Acireale 2013; Benigno, *La mala setta*, pp. 81-89.

[41] L. Riall, *Legge marziale a Palermo: protesta popolare e rivolta nel 1866*, in «Meridiana», 24 (1995), pp. 65-94; Benigno, *La mala setta*, pp. 198-210; see also G. Pagano, *Avvenimenti del 1866. Sette giorni di insurrezione a Palermo*, Palermo 1867.

[42] Archivio di Stato Palermo (ASPA), *Gabinetto di Prefettura* (GP), b. 8, Royal Decree of 18 September 1866 and Cadorna's proclamation of 23 September, with reference to articles 226, 231, 521 and 522 of the Military Penal Code.

the format of 1849, 1852 and 1862, the Commissioner ordered the "immediate general disarmament" of the area, disbanded the National Guard, and revoked all gun licences.[43]

The state of siege was lifted in November 1866 at Ricasoli's insistence. The insurrection, which constituted "one of the most violent challenges to the new state",[44] provided an important point of reference for understanding the continuities between pre- and post-unification repressive methods. According to historian Lucy Riall, the episode – which claimed 332 lives among government forces and an unknown number of insurgents – manifested the government's inability to address the crisis beyond the reduction of social dissent to matters of public order and crime control.[45]

Extraordinary measures thus became a staple of the first post-unification phase, as the *Destra storica* governments relied heavily on emergency decrees.[46] As theorized by Mario Sbriccoli, a "double level of legality" – a vicious circle between the recognition of emergency and the legitimization of arbitrariness – became the norm.[47] This capacity to operate between ordinary and emergency frameworks would resurface cyclically for decades on a national level, as the liberal ruling class established an inextricable link between crime, social disorder, and political dissent in a particularly restrictive interpretation of constitutional legitimacy.[48]

4. *Policing Political Dissent: The 'Fin de Siècle Crisis'*

While exceptional interventions outside a formal declaration of the *stato d'assedio* were frequent in the 1870s and 1880s, the most extensive application of such methods occurred in the 1890s. During this decade,

[43] ASPA, GP, b. 8, Cadorna's decrees of 24 and 26 September 1866.

[44] J.A. Davis, *Legge e ordine. Autorità e conflitti nell'Italia dell'800*, Milano 1989, p. 210.

[45] Riall, *Legge marziale a Palermo*, p. 88.

[46] L. Chiara, *Politica e ordine nell'Italia liberale 1861-1876*, in «Storia e politica», XII, 1 (2020), pp. 107-150, p. 122.

[47] M. Sbriccoli, *Caratteri originali e tratti permanenti del sistema penale italiano (1860-1990)*, in *Storia d'Italia. Annali 14. Legge, diritto, giustizia*, ed. by L. Violante and L. Minervini, Torino 1998, pp. 487-551, p. 489.

[48] U. Allegretti, *Dissenso, opposizione politica, disordine sociale: le risposte dello Stato liberale*, in *Storia d'Italia. Annali 12. La criminalità*, ed. by L. Violante, Torino 1997, pp. 719-756; F. Cammarano, *Storia politica dell'Italia liberale, 1861-1901*, Roma-Bari 1999.

a convergence of structural social shifts and economic crises profoundly altered the political equilibrium of the Italian state. In the so-called *fin de siècle* crisis, liberal elites responded forcefully to the rise of organized social forces and the advancing democratization of society in what has been described as a "coup d'état of the bourgeoisie".[49] In a climate still haunted by the revolutionary spectre of the Paris Commune, the emergence of early socialist movements and a recrudescence of common crime placed the 'dangerous classes' at the centre of public discourse. These fears fuelled a widening perception of insecurity, providing the ideological justification for a return to extraordinary measures of control.[50]

This return to strong measures stood in sharp contrast to a transformed legal landscape, as the 1889 promulgation of the Zanardelli Penal Code and a new Public Security Law marked a liberal evolution in the country's regulatory framework. Yet, despite these reforms, Italy still lacked specific constitutional or statutory provisions to regulate a state of siege. In the absence of dedicated emergency legislation, the state relied on wartime dispositions and the Military Penal Code to govern domestic unrest.[51] This legislative vacuum granted the executive considerable latitude: by invoking military law in civilian contexts, the government could bypass the new liberal guarantees whenever 'necessity' dictated.

This hybrid framework was, once again, most visible in Sicily, where the *Fasci dei lavoratori* – a network of over three hundred clubs – mounted a protest against local administrations and landowners.[52] The rapid spread of the movement provoked a fierce reaction from the central government.[53] On 3 January 1894, under intense political pressure, King Umberto I proclaimed a state of emergency, granting full civil and military powers to Roberto Morra di Lavriano, commander of the local Army Corps. Within days, Morra issued four sweeping edicts that suspended

[49] U. Levra, *Il colpo di stato della borghesia. La crisi politica di fine secolo in Italia, 1896-1900*, Milano 1975.

[50] L. Lacchè, *La paura delle "classi pericolose". Ritorno al futuro?*, in «Quaderno di storia del penale e della giustizia», 1 (2019), pp. 159-178.

[51] F. Cordova, *Stato d'assedio e tribunali militari nell'Italia di fine Ottocento*, in *L'Italia umbertina. Atti del convegno, Carrara, 10 giugno 1985*, ed. by R. Bertolucci, Carrara 1986, pp. 17-44, p. 21.

[52] F. Renda, *I Fasci siciliani, 1892-94*, Torino 1977; *I Fasci dei lavoratori e la crisi italiana di fine secolo (1892-1894)*, ed. by P. Manali, Caltanissetta 1995.

[53] G. Astuto, *Crispi e lo stato d'assedio in Sicilia*, Milano 1999; A. Boldetti, *La repressione in Italia: il caso del 1894*, in «Rivista di storia contemporanea», 1 (1977), pp. 481-515; G. Arangio Ruiz, *Lo stato di assedio in Sicilia e nella Lunigiana*, in «Rassegna di Scienze sociali e politiche», XI, II (1894), pp. 641-662.

the right of assembly, dissolved political associations, ordered the arrest of prior offenders, and established three military tribunals specifically tasked with repressing the movement.[54]

Crucially, on 12 January, Morra decreed the general disarmament of the civilian population. The order did not merely suspend the carrying of firearms but criminalized all legal gun ownership for the duration of the *stato d'assedio*.[55] Over the course of a week, large-scale operations across the island resulted in the confiscation of over 150,000 firearms, including 25,000 from Palermo alone – the third time the city had been subjected to such a procedure since its incorporation into the national state.[56] Yet, the voluntary surrender of firearms achieved only partial success, as less than half of suspected gun owners complied.[57] Exploiting Article 6 of the January 12 proclamation, Morra launched a campaign of comprehensive home searches based on mere suspicion of unlawful gun ownership. To ensure enforcement, some 40,000 troops were transferred from mainland Italy to Sicily.

The Sicilian experiment, deeply rooted in the experiences of the 1860s, consolidated a foundational model for internal unrest, replicated immediately in the province of Lunigiana to quash an anarchist insurrection.[58] The *stato d'assedio* thus became one of the state's most effective instruments for the mass repression of 'subversive' social groups. In the following years, when overlapping economic and political crises unleashed new waves of social agitation across the peninsula, the state responded once again through the imposition of martial law, military tribunals, and civilian disarmament. In 1898, Prime Minister Antonio di Rudinì – himself a protagonist of the 1866 Palermo siege – militarized public order management to an unprecedented degree. By early May,

[54] Archivio Centrale dello Stato (ACS), *Archivio Francesco Crispi, Deputazione Storia Patria Palermo*, b. 91, Royal Decree 3 January 1894; ASPA, GP, b. 140, Morra's decrees of 5, 8, and 11 January 1894, based on articles 246, 251 and 546 of the Military Penal Code.

[55] ASPA, *Gabinetto di Questura* (GQ), b. 13, 12 January 1894, Decree on disarmament, articles 1-4.

[56] M.M. Aterrano, Salus patriae suprema lex*: il controllo delle armi nella repressione dei Fasci a Palermo, 1894*, in «Rassegna Storica del Risorgimento», CXIX, 1 (2023), pp. 57-82.

[57] ASPA, GQ, b. 13, 22 January 1894, Palermo Chief of Police to Carabinieri, *Perquisizioni*.

[58] ACS, Presidenza del Consiglio dei Ministri (PCM) 1894, Crispi, b. 167, Royal Decree 16 January 1894; Archivio di Stato Massa, Comune di Carrara 1894, b. 376, 17 January 1894, Heusch's decrees based on articles 251, 540, 541, 543, 559 of the Military Penal Code. For an overview of the events: R. Mori, *La lotta sociale in Lunigiana (1859-1904)*, Firenze 1958, p. 194; U. Fedeli, *Anarchismo a Carrara e nei paesi del marmo, dall'Internazionale ai moti del '94*, Carrara 1994, pp. 81-106.

twenty-three provinces were placed under military authority, ten under a formal *stato d'assedio*. The measures tested regionally in Sicily in 1894 were now extended on a national scale.[59]

In Milan, the epicentre of the 1898 uprisings, General Fiorenzo Bava Beccaris confronted protesters with extraordinary brutality, killing more than eighty workers.[60] As in Sicily, the imposition of martial law was followed by an outpouring of edicts: socialist and republican associations were dissolved, public gatherings prohibited, military tribunals established, and even the use of bicycles banned.[61] With full government support, Bava Beccaris also suspended the validity of gun licences and ordered the surrender of private firearms. To facilitate the operations, the police headquarters and the Teatro alla Scala were converted into disarmament offices, processing an uninterrupted line of citizens arriving to hand over their weapons – more than 7,000 on the first day alone, and some 120,000 in the two weeks thereafter.[62]

In Florence, by contrast, the repression unfolded with a markedly softer hand. Commissioner Nicola Heusch, who had previously commanded the *stato d'assedio* in Lunigiana, adhered to the formal progression from military oversight to martial law but applied it with uncharacteristic moderation. The only exceptional measure adopted in Tuscany was the establishment of a military tribunal – a decision reflecting Heusch's deliberate intent to avoid the excesses unfolding in Milan.[63] Because the declaration of the state of siege was issued after the most acute disturbances had subsided, the Commissioner initiated a dialogue with local authorities to assess which measures were strictly necessary. Following these consultations, Heusch limited disarmament to villages that had experienced serious unrest; elsewhere, he opted for a more targeted approach, merely revising

[59] Levra, *Il colpo di stato della borghesia*, p. 94; F. Cordova, *Democrazia e repressione nell'Italia di fine secolo*, Roma 1983.

[60] Archivio di Stato Milano (ASMI), Prefettura – Atti Amministrativi 1898 (PAA), b. 4432, 7 May 1898, Decree on the state of siege. On the events in Milano: A. Canavero, *Milano e la crisi di fine secolo (1896-1900)*, Milano 1976; M. Cuzzi, *L'esercito e l'ordine pubblico: il caso di Milano (1898)*, in *Le Forze Armate e la Nazione italiana (1861-1914)*, ed. by R.H. Rainero and P. Alberini, Roma 2003, pp. 141-166.

[61] ASMI, GQ, b. 53, 7 May 1898, Bava Beccaris' proclamations; 10 May, *Decreto di divieto di circolazione delle biciclette, tricicli e tandems*; PAA, b. 4432, 8 May, Decree on the establishment of military tribunals.

[62] *La consegna delle armi*, «Corriere della Sera», 9 May 1898; *Continuano i disordini a Milano*, ibidem, 10 May 1898; *Milano è tranquilla*, ibidem, 12 May 1898; *Le armi nel Teatro alla Scala*, ibidem, 25 May 1898.

[63] C. Pinzani, *La crisi politica di fine secolo in Toscana*, Firenze 1963, pp. 125-145.

existing gun licences to disarm only the most 'dangerous' elements.[64]

The variance in application revealed the inherently political nature of the *stato d'assedio*. Its principal objective was not merely the restoration of order, but the neutralization of political opposition through the dissolution of circles, the curtailment of the right to assemble, and the strategic deprivation of the right to own and bear arms. By mid-September 1898, the *stati d'assedio* were lifted in all provinces, but the government's goals had been achieved. With thousands of citizens imprisoned and socialist and republican organizations dismantled, the nationwide repression had dealt a severe blow to both the political opposition and the expanding workers' movement.[65]

5. *Conclusion. Postwar Applications and Contemporary Legacies*

The last state of siege in Italy was proclaimed in January 1909. In the aftermath of the devastating earthquake that struck Messina and Reggio Calabria, emergency powers were invoked to restore public order in the context of a natural catastrophe. However, this instance differed markedly from earlier applications: the government deliberately refrained from reactivating the full array of coercive measures that had once defined the institution. Notably, for the first and only time, no disarmament provisions were implemented.[66]

Only a few years later, the First World War ushered in an era of progressive expansion of state powers, further normalizing invasive interventions in the sphere of public order.[67] In the post-war transitions

[64] ACS, PCM 1898, Pelloux, b. 220, Royal Decrees 9 and 10 May 1898 on the state of siege and its extension to other Tuscan provinces; Archivio di Stato Firenze, *Questura - Atti di Polizia*, b. 21, 21 May 1898, Firenze Chief of Police to Heusch, *Circa la necessità o meno di procedere al disarmo generale*.

[65] Canavero, *Milano e la crisi di fine secolo*, p. 186; Cuzzi, *L'esercito e l'ordine pubblico*, pp. 162-163.

[66] S. Romano, *Sui decreti legge e lo stato d'assedio in occasione del terremoto di Messina*, in «Rivista di diritto pubblico e della pubblica amministrazione in Italia», 1 (1909), pp. 251-272; C. Latini, *L'emergenza e la disgrazia. Terremoto, guerra e poteri straordinari in Italia agli inizi del Novecento*, in «Historia et ius», 13 (2018), pp. 1-22.

[67] D.L. Caglioti, *War and Citizenship: Enemy Aliens and National Belonging from the French Revolution to the First World War*, Cambridge 2021, p. 109; C. Latini, *Il governo legislatore. Espansione dei poteri dell'esecutivo e uso della delega legislativa in tempo di guerra*, in *Il governo dell'emergenza*, pp. 197-220.

that followed, the very provisions once executed under the aegis of the *stato d'assedio* were revived as exceptional measures enacted through government decrees. This became a recurring feature of Italian public order policing, resurfacing whenever institutional stability faltered.

Ironically, after nearly a century of generous recourse to it, the well-tested mechanism of the *stato d'assedio* was left unused during the acute public order crisis that plagued post-war Italy. In October 1922, amid an armed insurrection staged by the Fascist movement, King Vittorio Emanuele III famously refused to sign the decree establishing a state of siege to repress the *Marcia su Roma*, for reasons that remain at the centre of historical speculation.[68] Following this episode, the formal institution itself fell into disuse, but the administrative practices, mentality, and technical expertise associated with the state of exception did not fade.

Fascism would eventually make full use of the emergency powers it inherited to enact its illiberal legislation. Building on decades of experimentation in the field, the 1931 Public Security Law further refined many of the extraordinary measures originally conceived and extensively applied by the Liberal state.[69] Within it, the codification of the 'state of public danger' and the 'state of war for reasons of public order' effectively gave legal form to the *stato d'assedio* – a concept that, until then, had been relegated to a legislative vacuum.[70]

The post-World War II transition to democracy did not mark a swift rupture with the tradition. In fact, substantial public security legislation survived the end of Fascism relatively intact. Amid efforts to normalize public order conditions in the wake of the conflict, the emergency measures connected to the regulation of firearms proved invaluable: a vast disarmament campaign – reminiscent of its 19th-century precedents – persisted well into the 1950s, largely drawing on practices and legislation widely used in the past.[71]

[68] M. Saija, *Marcia su Roma, stato d'assedio, questione dinastica*, in «Amministrare», 1 (2016), pp. 271-287.

[69] P. Brunello, *Storie di anarchici e di spie. Polizia e politica nell'Italia liberale*, Roma 2009, p. XIII; J. Dunnage, *Continuity in Policing Politics in Italy, 1920-1960*, in *The Policing of Politics in the Twentieth Century: Historical Perspectives*, ed. by M. Mazower, Oxford 1997, pp. 57-90.

[70] Testo Unico delle Leggi di Pubblica Sicurezza, 8 June 1931, no. 773, articles 214-219.

[71] M.M. Aterrano, *Civilian Disarmament: Public Order and the Restoration of State Authority in Italy's Postwar Transition, 1944-46*, in «Journal of Contemporary History», 56, 2 (2021), pp. 386-410; Id., "Si vis pacem para pacem". *Il disarmo dei cittadini nella legislazione eccezionale sulle armi in Italia, 1948-1952*, in «Ricerche di storia politica», 1 (2022), pp. 3-24.

This stabilization blueprint was instrumental in shaping responses to later upheavals. In the 1970s, for instance, institutions countered a resurgence of violent, armed opposition with a slew of emergency decrees. Just as the Liberal state used the *stato d'assedio* to bypass constitutional constraints, Republican Italy bolstered its emergency legislation in an attempt to quash domestic terrorism and organized crime.[72] A defining moment in this process was the promulgation of the Legge Reale (22 May 1975, no. 152), the first in a series of exceptional provisions formally expanding police powers in the name of a state of necessity. These measures were often applied without a legitimizing intervention by Parliament or reference to specific statutory frameworks. The reliance on executive power reached a peak during the *anni di piombo*, with the government "often replacing parliament in regulating social protest, political opposition or organised crime, by interpreting them as phenomena intended to subvert the established order".[73] Extending the chronological validity of Luigi Lacchè's metaphor, it could be said that all which remained incompatible with the principle of legality was consistently "swept under the carpet", relegated to legal grey areas where a vast array of executive instruments could function outside the restraints of the rule of law.[74] Ultimately, while undergoing a process of metamorphosis, the 19th-century *stato d'assedio* and its related practices were not discarded; rather, they provided the foundation upon which several features of the modern security arsenal were built.

In conclusion, the Italian historical experience seems to be defined by a constant interaction between the ordinary and the extraordinary, the legal norm and the state of exception. This double register of governance

[72] A. Blando, *La normale eccezionalità. La mafia, il banditismo, il terrorismo e ancora la mafia*, in «Meridiana», 87 (2016), pp. 173-202; R. Orlandi, *L'emergenza figlia delle garanzie? Riflessioni intorno alle norme e alle pratiche di contrasto alla mafia e al terrorismo*, in «Meridiana», 97 (2020), pp. 89-104; G. Neppi Modona, *Legislazione d'emergenza e istituzioni parallele nell'ordinamento penale*, in «Rivista di storia contemporanea», 8 (1979), pp. 84-110.

[73] L. Chiara, *Stato di diritto e logica dell'emergenza. Dalla legge Reale alla legislazione sui pentiti*, in *Democrazia insicura. Violenze, repressioni e stato di diritto nella storia della Repubblica (1945-1995)*, ed. by P. Dogliani and A.M. Matard-Bonucci, Roma 2017, pp. 125-135, pp. 126-7; M. Benvenuti, *Alle origini dei decreti-legge. Saggio sulla decretazione governativa di urgenza e sulla sua genealogia nell'ordinamento giuridico dell'Italia prefascista*, in «Nomos. Le attualità del diritto», 2 (2012), pp. 1-45; A. Celotto, *L'"abuso" del decreto-legge. Profili teorici, evoluzione storica e analisi morfologica*, Padova 1997.

[74] Lacchè, *Le emergenze del diritto*, p. 23.

– the readiness to invoke emergency legislation and translate exception into routine practice – became a distinctive trait of the Italian national state.[75] It created a fluid, osmotic relationship that continued to shape the country's political evolution well into the 20th and 21st centuries.

Over time, these mechanisms acquired an overt political significance. In its progressive detachment from wartime necessity, the *stato d'assedio* came to function as an "instrument of extreme defence of the state (or governments) against internal enemies",[76] specifically those social classes systematically excluded from political representation. This phenomenon was managed through a calculated combination of prevention and repression, perfected to suppress popular uprisings or keep political opposition in check. The systematic use of the extraordinary measures thus evolved into a strategy of political and social rule operative not only in emergencies but also – perhaps more significantly – under ostensibly normal conditions: a system of 'oriented' control which, according to Amerigo Caruso, "possessed potentially unlimited duration and unprecedented geographic extension".[77]

Measures first tested under the state of siege were frequently incorporated into ordinary legal frameworks. Indeed, as Gianluca Bascherini noted, "the 'salvation of the state' – originally invoked to justify the use of military siege against external enemies – soon became a tool not for preserving the state's existence but for safeguarding the form of government itself, and often the government presently in power".[78] In this sense, the state of necessity provided the justification for a political siege deployed against internal dissidents. Within this system, restrictive interventions on the private possession of firearms were a vital component; gun control proved to be a decisive tool in the Italian state's attempts to restore order when threatened by internal unrest or an excessively armed population.

The combination of the state of siege and civilian disarmament therefore stands as a central thread in the broader narrative of public order policing in Italy: a recurrent set of devices through which the state sought to reconstruct its authority in times of profound disruption. This remains an enduring legacy, the echoes of which are still felt in the emergency governance of the modern day.

[75] Sbriccoli, *Caratteri originali e tratti permanenti del sistema penale italiano*, pp. 485-487.
[76] Bascherini, *Lo stato d'assedio nell'esperienza statutaria italiana*, p. 4314.
[77] Caruso, *Patterns of (Extra)Ordinary Repression*, p. 116.
[78] Bascherini, *Lo stato d'assedio nell'esperienza statutaria italiana*, p. 4304.

Marco Pignotti

Narrating the emergency. The state of siege between public order control and authoritarian tendencies

Summary: Introduction – 1. State of siege or state of war? Judicial space and political process – 2. Two states of siege: 1894 and 1898 – Conclusions.

Introduction

The issue of the *law of exception* in Liberal Italy, and in particular the doctrine and practice of the *state of siege*, occupies a central position in historicallegal scholarship of the last decades[1]. Since the 1960s, studies devoted to the formation of the Italian State have shown how the original ambiguity of the Albertine Statute -more a political charter than a true constitution- granted the executive particularly broad margins of intervention in situations designated as emergencies. From this perspective, the proclamation of the state of siege emerged as a frequently employed yet highly problematic instrument, situated in the grey zone between formal legality and *raison d'État*, as Rosario Romeo already observed in his classic works on the *Destra storica*[2]. Subsequent historiography has insisted on the structural, rather than episodic, nature of recourse to exceptional measures in postunification Italy. The works of Denis Mack Smith and Geoffrey A. Haywood have underscored that authoritarian management of public order was not a deviation from the liberal model but one of the means by which ruling elites sought to govern the political incorporation of the masses[3]. Recently a new wave of research -such as that of Luigi Lacchè, Fulvio Cammarano and Carmine Pinto- shifted attention from repressive episodes to the political culture of emergency, highlighting the role played by narratives of threat (anarchist, socialist, republican) in legitimizing the suspension of statutory guarantees[4]. At the

[1] G. Motzo, *Assedio (stato di)*, in *Enciclopedia del diritto*, vol. III, Milano 1958, pp. 250-268; J.A. Davis, *Legge e ordine. Autorità e conflitti nell'Italia dell'800*, Milano 1989.

[2] R. Romeo, *Il Risorgimento in Sicilia*, Bari 1950; Id., *Risorgimento e capitalismo*, Bari 1959.

[3] D. Mack Smith, *Italy and Its Monarchy*, New Haven 1989; G.A. Haywood, *Failure of a Dream. Sidney Sonnino and the rise and fall of liberal Italy 1847-1922*, Firenze 1999.

[4] L. Lacchè, *Il costituzionalismo liberale e la legge fondamentale*, in *Lo Stato costituzionale. Radici e prospettive*, by M. Gregorio and B. Sordi, Milano 2023, pp. 151-155; F. Cammarano, *L'inquietudine costituente. Saggi di storia politica*, Pisa 2024, pp. 192-225;

same time, the international debate on the state of exception, revitalized by the writings of Carl Schmitt and, more recently, Giorgio Agamben has provided an essential conceptual framework for reinterpreting the Italian case in comparative perspective. The constitutional monarchies of nineteenthcentury Europe, from France to Belgium to Prussia, developed analogous instruments for suspending the ordinary judicial order; yet, as demonstrated by the research of Mark Neocleous and John Horne, Italy distinguished itself by the particular elasticity of the mechanism and by the scarcity of formal constraints on its activation[5].

Within this broader context must be placed the episodes of 1894 and 1898, traditionally regarded as emblematic moments of repressive degeneration in the Liberal State. The Sicilian events of 1894 and the Milan crisis of 1898, though different in social composition and political dynamics, both show how the executive resorted to the juridical fiction of "*internal war*" to circumvent the principle of the natural judge and to activate military jurisdiction. Therefore, this assimilation of social conflict to war has not always proved to be just a legal expedient but a real ideological device, which framed popular protest as a threat to the integrity of the State. Within the contemporary doctrinal debate, the figure of Francesco Racioppi occupies a particularly significant place. His *Commento allo Statuto del Regno*, published between 1901 and 1909, remains one of the most rigorous analyses of the tension between statutory guarantees and emergency practices. As noted by Luigi Lacchè and Carlo Ghisalberti, Racioppi sought to bring the exception back within a coherent juridical framework while simultaneously denouncing the normative vacuum that allowed the executive, by unilateral act, to transform a disturbance of public order into a "*political state of war*"[6]. His reflections provide a privileged vantage point on the largely unsuccessful attempt to articulate a legal theory of emergency in Liberal Italy. This contribution situates itself within this extensive historiographical tradition. By analyzing comparatively the two cases of 1894 and 1898, it aims to highlight the tension between statutory norms, governmental praxis, and contemporary legal doctrine-showing how the state of siege became a political instrument before it was a juridical one. A reconstruction of parliamentary debates,

C. Pinto, *La guerra per il Mezzogiorno. Italiani, borbonici e briganti 1860-1870*, Roma-Bari 2024.

[5] G. Agamben, *Stato di eccezione*, Torino 2003 (trad.: *State of Exception*, Chicago 2005); M. Neocleous, *The Fabrication of Social Order*, London 2000; Id., *Critique of Security*, Edinburgh University Press 2008, pp. 39-76; J. Horne (ed.), *State, Society and Mobilization in Europe during the First World War*, Cambridge University Press 1997.

decisions of the Court of Cassation, and doctrinal positions of the period reveals how the exception functioned as a *permanent device* for governing social conflict. From this perspective, Liberal Italy emerges as a laboratory in which legality and authority were constantly recomposed in an unstable equilibrium, an inheritance that would assume new forms and new interpreters in the postwar years and during the fascist era[6].

1. *State of siege or state of war? Judicial space and political process*

Francesco Racioppi, professor of public law at the University of Cagliari, in his *Commento allo Statuto del Regno*, published between 1901 and 1909, with the help of Ignazio Brunelli, dedicates a chapter entitled: "Lo stato d'assedio e i tribunali di guerra"[7]. His reflection focuses mainly on the constitutionality of this emergency measure in light of the recent management of the long crisis at the end of the century, during which there were two instances of the state of siege being invoked between 1894 and 1898 by the Crispi and Di Rudinì governments. In this regard, Racioppi refers to the articles of the Statute that together govern emergency measures. While Article 6 recognises the executive's power to issue decrees to enforce laws, it is equally significant that this power is limited by law, otherwise the government would operate within an absolutist regime, similar to that in force in France under Charles X until 1830[8]. Consequently, the other articles connected to the previous one are fundamental: Article 70, which obliges the executive power "non derogare all'organizzazione giudiziaria se non in forza d'una legge[9]", and Article 71, which establishes the principle that no one can be diverted from their natural judge, therefore, the executive cannot set up extraordinary courts or commissions. It follows from these premises that the issuance of a decree declaring a state of siege conflicts with the positive legal system of the country, even though the

[6] F. Racioppi, I. Brunelli, *Commento allo Statuto del Regno*, Torino 1901-1909; L. Lacchè, *Liberalismo e ordine pubblico*, Torino 1994; C. Ghisalberti, *Storia costituzionale d'Italia*, Bari 1977.

[7] F. Raciopppi, I. Brunelli, *Commento allo Statuto del Regno. 3. Dall'art. 48 all'art. 84 ed ultimo*, with a preface by L. Luzzatti, Torino 1909.

[8] On the state of siege in France in the first half of the 19th century: Cfr. R. Tombs, France 1814–1914, London 1996; C. Rossiter, *Constitutional Dictatorship: Crisis Government in the Modern Democracies* (1948, repr., NY 2002), pp. 12-20.

[9] "Not to derogate from the judicial organisation except by virtue of a law".

Albertine Statute does not explicitly prohibit the use of such decrees. In light of this obvious area of ambiguity or legislative vacuum, in 1899 the Court of Cassation in Rome issued a ruling which, together with the Government and Parliament, recognised the constitutionality of this type of measure, effectively confirming the full legality of the establishment of the courts martial in May 1898. This ruling is significant, since in 1894 the judiciary was not given the power to rule on the repressive measures decreed by the state of siege in Sicily and Lunigiana. In that circumstance, the Crispi government resolved the question of the legality of the measure solely through a parliamentary debate that ended with a large majority vote in favour of the measures taken by the executive behind closed doors. Therefore, the legitimacy of the measure came from the government itself, which did not allow any examination of the legality of a measure dictated by the "necessity" and urgency of preserving national unity. In 1894, the interpretation that allowed Crispi to uphold the legality of resorting to a state of siege was justified by equating a subversive phenomenon with an attack on the institutional order. Hence the need to declare a "state of war", applicable by royal decree and governed by Articles 243 and 244 of the Criminal Code, which authorises the concentration of powers in the hands of the military commander and the replacement of ordinary justice with courts martial. Obviously, the legal validity of the state of siege is entirely discretionary, since it is up to the body responsible for political direction, the executive, to determine whether or not the conditions exist for identifying an extraordinary disturbance of public order such as to be equated with a "state of war". Four years later, this assimilation was not endorsed by the Court of Cassation, which limited itself to proceeding intuitively with regard to the finding of an actual "state of war", which in the judgment appears only "by way of hypothesis". Consequently, the assimilation between a state of siege and a state of war is a stretch, especially since a state of war involves the presence of a foreign invading army and not a situation of public disorder. Racioppi therefore notes the presence of a serious legal vacuum, in that the current legislation does not provide for a different interpretation of the state of siege that allows for its use solely by virtue of the authority of the executive in office: a "state of political siege". In this regard, the constitutionalist introduces an aspect that goes beyond a purely legal assessment: the political sphere. In fact, the use of exceptional measures against citizens is primarily a political measure, since the concentration of powers in the hands of the executive branch and its delegation to the army stems from a "necessity"

recognised by the government through a decision by the Council of Ministers. It is clear that the state of siege decree derives its legality from a "supreme necessity that makes it inevitable". On the one hand, jurists such as Racioppi recognise the government's right/duty to protect public order, even resorting to the use of arms. On the other hand, they raise a question that will be at the centre of the two respective parliamentary debates of 1894 and 1898, namely whether it is lawful, once public order has been restored, to bring the perpetrators of subversion before military courts, since the reinstatement of the law is the responsibility of the ordinary judiciary. In reality, even in the presence of legal uncertainty, it is not considered lawful to suspend all constitutional guarantees without the prior consent of the legislative power because, as Racioppi argues, "il diritto di necessità non è il miglior fondamento giuridico allo stato d'assedio proclamato dall'esecutivo"[10].

Conversely, those who support the legality of the state of siege on the basis of Article 5 of the Statute, which entrusts the King with the proclamation of war, believe that the provision does not require any approval by Parliament to be converted into law. During the debate on public order, held in the weeks following the repression in Sicily and Lunigiana, Francesco Crispi firmly rejected the idea of converting the emergency measures taken between December 1893 and January 1894 into law[11]. During the debate in Montecitorio, the government limited itself to simply approving an agenda presented to the elected Chamber, which merely expressed its appreciation for the executive's prompt reaction to restore public order in the territories affected by the subversion. In short, as the radical Imbriani denounced, the Chamber was convened solely to ratify a verdict, but not to evaluate the legitimacy and legality of the measures adopted, effectively rendering the legislative branch's role of oversight completely marginal[12]. Not only that, but with the subsequent anti-anarchist laws passed a few weeks later, on 19 July 1894, the political significance of the insurrectionary actions was neutralised, with their consequent decriminalisation in the Assize Court trials, as potential

[10] "The right of necessity is not the best legal basis for the state of siege proclaimed by the executive". Racioppi, *Lo stato d'assedio e i tribunali di guerra*, p. 146.

[11] Atti Parlamentari (d'ora in poi AP), Camera dei Deputati (d'ora in poi CdD), Discussioni, Legislatura XVIII, 24 febbraio 1894, p. 6646-87.

[12] S. Trovalusci, *L'ultimo titano del Risorgimento. Il mito di Francesco Crispi nell'Italia liberale (1876-1901),* Roma 2023, p. 137; D. Adorni, *Francesco Crispi. Un progetto di governo*, Firenze 1999, pp. 364-365; C. Duggan, *Creare la nazione. La vita di Francesco Crispi*, Roma-Bari 2000, p. 773.

political offenders were equated with common criminals, not deserving of any favourable treatment[13]. On the other hand, in the decades following the consolidation of national unity, the political system faced the significant challenge of democratising the institutional structure, which often manifested itself through the complex management of political and social conflict and the delicate relationship between maintaining public order and protecting freedom of expression. On the one hand, opponents/antagonists of the "system" can use the trial to highlight the contradictions in the legal system; on the other hand, the predominant preliminary investigation phase favours a culture of unquestioned state authority, so the reasons for order are more easily asserted than the reasons for guaranteed freedom[14]. Consequently, the long crisis at the end of the century four years later saw a new and even more tragic recourse to a state of siege and the jurisdiction of military courts: Milan, 6-9 May 1898.

2. *Two states of siege: 1894 and 1898*

1894-1898, four years separate the adoption of "full powers" by an executive without prior consent from Parliament: that led by Antonio Starabba, Marquis Di Rudinì. There were various causes for the unrest, and various protagonists called upon to deal with the discontent: on the one hand, the titanic government born of Francesco Crispi's "truce of God" and, on the other, the fragile coalition led by Di Rudinì. The dynamics that gave rise to Crispi's repressive line were the logical consequence of the political direction of an executive that, from its genesis, pursued an authoritarian plan aimed at neutralising social forces that did not fit into the institutional framework[15]. Conversely, the political

[13] L. Lacché, *Sulla forma giudiziaria. Forma costituzionale della giustizia e paradigmi del processo politico tra Otto e Novecento*, in F. Colao, L. Lacché and C. Storti (curr.), *Giustizia penale e politica in Italia tra Otto e Novecento. Modelli ed esperienze tra integrazione e conflitto*, Milano 2015, pp. 17-18; J.A. Davis, *Legge e Ordine. Autorità e Conflitti nell'Italia dell'800*, Milano 1989, p. 285.

[14] L. Lacché, *Sulla forma giudiziaria. Forma costituzionale della giustizia e paradigmi del processo politico tra Otto e Novecento*, in *Giustizia penale*, cit., pp. 11-13; M. Sbriccoli, *Dissenso politico e diritto penale in Italia tra Otto e Novecento. Il problema dei reati politici dal Programma di Carrara al Trattato di Manzini*, Milano 1973 e Id., *Crimen laesae maiestatis. Il problema del reato politico alle soglie della scienza penalistica moderna*, Milano 1974.

[15] M.M. Aterrano, *Salus patriae suprema lex. Il controllo delle armi nella repressione dei Fasci a Palermo, 1894*, in «Rassegna storica del Risorgimento», I (2023), pp. 57-82:

premises and expectations underlying the formation of the third cabinet headed by the heir to the historical right wing were very different. From the outset, this cabinet expressed its willingness to collaborate with the more reformist wing of the liberal camp[16]. In this regard, the impression linked to this "turning point" reported in the *Memoirs* of a leading figure such as Giovanni Giolitti is significant. Giolitti perceived, albeit with suspicion, the intention to impose a generally anti-reactionary line on the political agenda with the entry of Giuseppe Zanardelli into the Ministry of Justice and Francesco Cocco-Ortu into the Ministry of Agriculture. Disillusionment, however, materialised immediately, coinciding with a serious economic crisis that resulted in an unsustainable increase in the cost of bread. The inevitable protests were once again equated with subversive phenomena that justified the imposition of a state of siege. This gave rise to the question of the limitations of a culture of government that was still incapable of adopting alternative measures to the usual recourse to emergency legislation in the face of the physiological unrest of the working classes, affected by cyclical financial and economic crises that made it impossible to guarantee minimum subsistence levels. Giolitti again declared:

La principale questione che si poneva alle classi politiche ed agli uomini di governo, era se questi problemi potevano risolversi col regime di libertà, o se essi imponevano un restringimento di freni e l'adozione di provvedimenti eccezionali[17]

The aforementioned exceptional measures were promptly adopted at the beginning of May 1898, five months after the launch of the ministry that was supposed to mark the start of the liberal-moderate experiment. In the previous weeks, in fact, the country was once again swept by a long series of disturbances reminiscent of the riots that took place in Sicily in the 1893-94 season. Less than five years later, strong waves of protest were recorded in Bari, Faenza, Naples, Palermo and the Ferrara area. The

57-70; M. Gibson, *Italian prisons in the age of positivism, 1861-1914*, Bloomsbury 2019, p. 203; P. Garfinkel, *Criminal Law in Liberal and Fascist Italy*, Cambridge 2019, pp. 170-176.

[16] M. Belardinelli, *Un esperimento liberal-conservatore. I governi Di Rudinì (1896-1898),* Roma 1976; P. Carusi, *Superare il trasformismo. Il primo ministero Di Rudinì e la questione dei partiti nuovi*, Roma 1999.

[17] "The main question facing the political classes and government officials was whether these problems could be solved under a regime of freedom, or whether they required a tightening of the reins and the adoption of exceptional measures". G. Giolitti, *Memorie della mia vita*, Milano 1922, 2 voll., vol. I, pp. 153-153.

conservative press, led by *La Perseveranza* and *La Nazione*, with the initial exception of *Il Corriere*, pushed for Crispi's example to be followed with decisive repression to curb a subversive drift of socialist and republican origin. In particular, *La Perseveranza*, heir to the moral leadership of Ruggero Bonghi, was the main interpreter of this state of intolerance towards the wait-and-see and tolerant strategy initially manifested by the executive. On the other hand, Di Rudinì's ministry represented a synthesis between the moderate right and the constitutional left, which the most orthodox conservatives disapproved of, as it was a re-edition of the political opportunism that had seen them marginalised from government roles with the advent of Depretis. In reality, although Giuseppe Zanardelli headed the Ministry of Justice, the Ministry of the Interior remained under the leadership of the Prime Minister himself, in accordance with an established practice that allowed the presidency to take on a portfolio. In addition, the undersecretary of Palazzo Braschi was assigned to the jurist Giorgio Arcoleo, who, more than anyone else during the Crispi era, justified the use of emergency legislation in parliamentary debates in the face of incidents that threatened public order. Between 6 and 9 May, demonstrations against the high cost of living in Milan were suppressed by the indiscriminate use of weapons by General Fiorenzo Bava Beccaris, causing almost 81 deaths and several hundred injuries.

Consequently, two possible scenarios emerge: one that entrusts a reactionary party with the task of systematically suspending all forms of expression of discontent, increasing the means of repression; the other entrusting liberal and reformist groups with the responsibility of resolving social problems at their root, so as to mitigate the pressure of protest without resorting to any restrictions on areas of freedom. At this stage, a different political perspective emerged: that of Giovanni Giolitti, who did not share Zanardelli's initial willingness to form a government with conservative elements, as he was culturally inclined to adopt exceptional measures in times of crisis. On the other hand, Giolitti was ousted by Crispi in December 1893 because of his excessive tendency towards mediation rather than repression. Already at the time of his first ministry, he accused the proponents of the reactionary line of improperly proclaiming themselves "continuers of Cavour's policy", in fact manipulating facts and episodes that refer to the transition phase between the Second War of Independence and the establishment of the unified state. According to Giolitti, even the most authentic heirs of Cavour's culture, such as Lamarmora, Ricasoli, Menabrea, Lanza, Sella and Minghetti, resorted to

emergency legislation with great caution, limiting it only to very serious events that truly threatened national unity, but not using it in the difficult phases following the treaties of Novara and Villafranca, or in the face of the events of Mentana and Aspromonte[18].

Equally critical of this automatic response, which establishes the inevitable recourse to a state of war in the face of social unrest, is another unexpected exponent of moderate liberal culture: the editor of the *Corriere della Sera*, Eugenio Torelli Viollier, who resigned from the newspaper he himself had founded in 1876 when he found himself disagreeing with the line of the editorial staff and the owners regarding the violent repression that had taken place in Milan. In a famous letter dated 12 May, the now former editor of via Solferino confided to Luigi Roux, editor of *La Stampa* in Turin, that he fully shared Napoleone Colajanni's opinion on the handling of the Milanese riots: "Siamo dunque in pieno colpo di Stato fatto a beneficio della borghesia contro il Popolo, ossia di una classe contro l'altra, dell'oppressore contro l'oppresso[19]". On the other hand, the new editor of the Lombard newspaper, Domenico Oliva, signed an editorial entitled *La politica conservatrice* on the same day (12 May), expressing unconditional appreciation for the measures taken to ensure "public peace" and preserve the political and social order. The objective enemy therefore remains identified with the "popular social classes" who organise themselves to promote "insurrections and to mobilise against the state and against property". It is the crowd, the people, the masses "poisoned and influenced" by troublemakers who fuel the revolt. This basic demand for the preservation of the status quo gives rise to a clear warning to the ruling class and the executive:

I nostri governanti hanno permesso l'organizzazione d'un partito che apertamente affermavasi rivoluzionario, hanno permesso che si formassero associazioni e federazioni repubblicane, hanno tollerato che costoro avessero una finanza un esercito […] hanno tollerato che i deputati profittassero delle così dette immunità parlamentari a danno dello Stato e della patria[20].

[18] G. De Giudici, *La criminalità e le misure repressive nelle inchieste parlamentari dell'Ottocento*, in A. Mattone e S. Mura (cur.), *Le inchieste parlamentari sulla Sardegna (1869-1972)*, Milano 2021, pp. 245-250.

[19] "We are therefore in the midst of a coup d'état carried out for the benefit of the bourgeoisie against the people, that is, of one class against another, of the oppressor against the oppressed". L. Villari, *I fatti di Milano del 1898. La testimonianza di Eugenio Torelli-Viollier*, in «Studi Storici», VIII (1967), n. 3, pp. 534-549.

[20] "Our rulers have allowed the organisation of a party that openly claimed to be revo-

In particular, it is emphasised that the socialist party, which was dissolved following the anti-anarchist and socialist laws passed by the last Crispi government, subsequently reorganised itself and launched a proselytising campaign characterised by discontent and revolutionary spirit. Meanwhile, the heterogeneous political combination represented by the Di Rudinì government could not withstand the shock of the state of siege and handed back its mandate to the sovereign. The subsequent reappointment, the result of a rapid reshuffle, saw the absence of Zanardelli and the Catholic Visconti Venosta, allowing Di Rudinì to attend only the parliamentary debate on 16 June, where the exceptional measures were submitted to the Chamber of Deputies for consideration: namely, a long list of municipal councils that had been dissolved. It was up to the Minister of War, Lieutenant General Asinari di San Marzano, through the military attorney general on mission at the Court of Milan, to request the Chamber's authorisation to keep the deputies Turati, De Andreis, Bissolati, Costa and Morgari under arrest[21]. After that, as in 1894, the Chamber ratified the "urgent and temporary measures for the maintenance of public order", laconically illustrated by the Prime Minister and the new Minister of Justice Teodorico Bonacci, a follower of Zanardelli[22]. These provided for the executive power to declare a state of siege where necessary to protect public order; to reinstate the law of 19 July 1894, passed by the Crispi government against anarchist and socialist associations, prohibiting their reorganisation; to reinstate compulsory residence; to restrict freedom of the press if periodicals commit the offence of contempt against the army or other figures called upon to maintain public order. In particular, the repressive measures focused on legislation governing freedom of the press, as the government proposed to amend the edict of 26 March 1848, indicating the obligation to replace the responsibility of the manager with that of the actual editor of the periodical, a measure that did not come into force permanently (as it would with the decree of July 1923 presented by the Mussolini government); to require printing companies to pay a deposit to compensate for any offences committed in the press by periodicals; to allow the judiciary to ban the distribution of a periodical for up to six months if its editorial line is found to be in breach of the rules

lutionary, they have allowed republican associations and federations to form, they have tolerated these people having finances and an army [...] they have tolerated deputies taking advantage of so-called parliamentary immunity to the detriment of the state and the homeland.": *La politica conservatrice*, in «Corriere della Sera», 12-13 May 1898, p. 1.

[21] AP, CdD, Discussioni, 16 June 1898, p. 6269.

[22] Ivi, pp. 6261-62.

governing the maintenance of public order. With regard to the right of association, these were required to provide the public security authorities with a list of their members and their statutes. Meanwhile, according to a tried and tested pattern of unintended consequences, the opposition of the extreme left and large sections of the conservative centre, together with the Lombard right, i.e. those who had initially urged Rudinì to take a hard line, expressed their aversion to a political line that was too vacillating. Therefore, this time the result is definitive resignation, without the package of measures relating to public order being approved[23].

The next ministry is entrusted to a general, Luigi Pelloux, who refuses to use his power to declare a state of war in the square in Bari to which he had been assigned in the previous months. Historiography is divided on the judgement reserved for the Piedmontese officer's management of public order. Perhaps close to Giolitti's constitutional left, but certainly not insensitive to the pressures of Sidney Sonnino's paternalistic conservatism[24], Pelloux also ends up taking a rather contradictory line. In fact, he began by requesting authorisation to proceed against all the deputies who had been arrested because they were directly or indirectly involved with the Milanese socialist leaders who had instigated the riots (Costa, Bertesi, Bissolati). Furthermore, out of an excess of legalism, he submitted for ratification the decrees relating to the application of the state of siege: in particular, Bill No. 296, containing "urgent and temporary measures for the maintenance of public order"[25]. The government's intention was, therefore, to formalise the state of siege and compulsory residence in the provinces where it had been applied[26].

> Come disse benissimo l'onorevole Crispi – dichiara Pelloux – la questione degli stati d'assedio è molto gelosa. Essi consistono in una misura di repressione, che non si può regolare preventivamente; in una misura che si prende proprio quando si crede che non se ne possa fare a meno. […] Lo stato d'assedio non è altro che l'applicazione pura e semplice di un articolo del Codice penale militare, relativo allo stato di guerra. Una volta dichiarato lo stato di guerra, ci sono

[23] M. Sagrestani, *Italia di fine secolo. La politica-parlamentare dal 1892-1900*, Correggio 1976, pp. 374 e ss.

[24] G.A. Haywood, *Failure of a dream. Sidney Sonnino and the rise and fall of Liberal Italy 1848-1922*, Firenze 1999, pp. 181-182.

[25] D. Fozzi, *Tra prevenzione e repressione: il domicilio coatto nell'Italia liberale*, Roma 2010, pp. 182 e ss.; F. Colao, *Il delitto politico tra Ottocento e Novecento. Da delitti fittizio a nemico dello Stato,* in «Quaderni di Studi senesi», Milano 1986, pp. 2-3.

[26] AP, CdD, Discussioni, 4 July 1898, pp. 6425-26 (Pelloux).

> tante novità che ne conseguono, ed è la dichiarazione stessa dello stato d'assedio che crea tutto il resto[27].

The debate on a bill regulating the measures to be taken to ensure public order ends on 12 July. During that session, Pietro Nocito intervenes, emphasising how it now appears essential for the Italian legal system to define a law that indisputably regulates the use of a state of siege, filling a regulatory gap that Germany, France and even Russia have filled decades ahead of the Kingdom of Italy.

Mi auguro presto possa venire una legge che determini i poteri dei comandanti nello stato d'assedio civile, e fissi la giurisdizione e la procedura dei tribunali di guerra a tutela dei diritti dei cittadini e dell'ordine pubblico[28].

In reality, the Pelloux government prepared a text regulating the use of emergency measures: Law No. 297 of 17 July 1898. The proposal was countersigned by the Keeper of the Seals, Camillo Finocchiaro-Aprile, and submitted to a mild parliamentary debate held in the Chamber of Deputies on 12 July 1898[29]. However, the text left many issues unresolved due to a profound ambiguity resulting from too many compromises with its heterogeneous parliamentary majority. Once again, within the constitutional perimeter that brought together Rudiniani, Sonnini, Giolittiani and Zanardelliani, the principle of non-negotiable justice was almost unanimously affirmed on statutory guarantees such as the right of association and freedom of expression and of the press. The use of emergency legislation became the hallmark of measures relating to the maintenance of public order from the end of the 19th century until the formation of Mussolini's first government, just as the absence of the use of a state of siege became emblematic when its non-application proved instrumental in maintaining "functional disorder", as in the case of the

[27] "As Crispi so aptly put it, Pelloux declares, the question of states of siege is a very sensitive one. They consist of a measure of repression that cannot be regulated in advance, a measure that is taken precisely when it is believed that there is no alternative. [...] The state of siege is nothing more than the pure and simple application of an article of the Military Penal Code relating to the state of war. Once the state of war has been declared, there are many new developments that follow, and it is the declaration of the state of siege itself that creates everything else". Ivi, p. 6427.

[28] "I hope that a law will soon be passed that determines the powers of commanders in a state of civil siege and establishes the jurisdiction and procedure of courts martial to protect the rights of citizens and public order". AP, CdD, 12 july 1898, pp. 6452 (Nocito).

[29] C. Latini, *Governare l'emergenza. Delega legislativa e pieni poteri in Italia tra Otto e Novecento*, Milano 2005.

"radiant days of May" or the march on Rome. This confirms a clear short circuit between the guarantee of constitutional freedoms and the protection of public order, where prevention and repression often end up merging into a grey area.

The only significant aspect that marks a slight difference between the effects of the emergency legislation between 1894 and 1898 is represented by the attenuation of the state arbitrariness that had regulated the state of siege until then. The judiciary, and not the police, is now vested with control over the press. Furthermore, the limited temporal effectiveness of the exceptional measures, which were to expire after one year, suggests a slight opening in the direction of legality and reformism. Consequently, Giolitti's intervention on 12 July regarding Article 2 of the draft law on the regulation of public order took on a preparatory value, as it was aimed at reducing the penalty of confinement imposed on those who joined subversive associations. Giolitti once again pursued social coexistence through mediation and, a few years later, he would interpret this line during his speech as Minister of the Interior on 21 June 1901 in the newly formed Zanardelli government, when he spoke at length about strikes, defining them as 'the only weapon that, in some cases, workers have; and this has been universally recognised by all', effectively foreshadowing his policy of non-intervention during the general strike of October 1904[30].

Conclusions

The analysis of the recourse to the *state of siege* in Liberal Italy reveals the persistence of a structural feature of the postunification constitutional order: the chronic difficulty of reconciling the protection of statutory liberties with the daytoday management of social and political conflict. The crises of 1894 and 1898 clearly illustrate that the emergency did not function as a temporary suspension of the legal order, but rather as a flexible political instrument positioned in the liminal space where formal legality intersected with necessity, producing a grey zone of expanded executive sovereignty. Within this framework, the *law of necessity* invoked to justify the compression of constitutional guarantees was not merely a legal expedient; it operated as an ideological device through which the government reshaped the very notion of public order, translating

[30] AP, CdD, 21 June 1901, p. 5505.

social conflict into "internal war" and assigning to military jurisdiction a role that exceeded the physiological limits of the Albertine system. The doctrinal attempt to contain emergency powers within a coherent legal structure, epitomised by Racioppi, thus proved largely ineffective when confronted with the political force of governmental interpretation. The dialectic between norm and necessity, between statutory guarantees and executive discretion, exposes the deep functioning of the Liberal State: an order that, while proclaiming the centrality of law and the natural judge, preserved wide zones of extraordinary action ready to be activated during political and social crises. In this sense, the Italian case emerges as a laboratory in which the exception evolved into a stable technique of governance and a longterm matrix of political practice, extending its influence well beyond the end of the century. This same "elasticity of emergency" would later facilitate new forms of concentration of power in the postwar period and during the advent of authoritarianism[31]. Thus, the state of siege is not merely a repressive measure but a privileged vantage point for understanding the fundamental tensions of Italian liberalism, its institutional fragility, and its tendency to anchor political order in a constant oscillation between legality and authority. It is within this ambivalence that the lasting legacy of the crises of 1894 and 1898 can be located, an interpretive key that sheds light on the trajectory leading from the emergency practices of the Liberal age to the normalization of exception in the early decades of the twentieth century.

[31] For a broader European comparison and for the continuity between nineteenthcentury emergency regimes and their subsequent transformation after the First World War, including the Italian transition toward the normalization of exceptional powers, see M. Neocleous, *Critique of Security*, Edinburgh 2008; O. Gross, F. Ní Aoláin, *Law in Times of Crisis. Emergency Powers in Theory and Practice*, Cambridge University Press 2006.

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