Vincenzo Scalia is an Associate Professor in Sociology of Deviance at the University of Florence. He was previously a Reader in Criminology at the University of Winchester (UK) and a Senior Lecturer in Criminology at Anglia Ruskin University (UK). He was a Visiting Professor at the Universidad Autonoma de Tlaxcala (Mexico). His manifold research interests range from urban security to juvenile justice. He also has expertise in prisons, organised crime, and political violence. His work has been published in English, Spanish, and Turkish.
Contact vincenzo.scalia@unifi.it

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CREATING THE STATE OF EXCEPTION? CARL SCHMITT'S POLITICAL THEOLOGY AND POST-WORLD WAR II ITALY

Vincenzo Scalia
Università degli Studi di Firenze

¿CREAR EL ESTADO DE EXCEPCIÓN? LA TEOLOGÍA POLÍTICA DE CARL SCHMITT Y LA ITALIA POSTERIOR A LA SEGUNDA GUERRA MUNDIAL

Abstract

This article analyzes the development of the state of exception within the Italian context. The standpoints of the state of exception, that is, the prevalence of government over parliament, the limitation of civil liberties, the creation of a friend/enemy dichotomy, and the widespread use of governmental decrees. The analysis demonstrates how, in Italy, the state of exception operates peculiarly, as some parallel, extralegal powers, including organized crime, former neo-fascists, and NATO officers, co-operate with state apparatuses either to repress or create "enemies". This is therefore a paradoxical aspect of the friend/enemy dichotomy, as State sovereignty is abrogated in relation to foreign powers. The article concludes that it is necessary to update, if not overcome, the friend/enemy dichotomy by promoting and implementing an inclusive dichotomy that excludes those who oppose such a wide-ranging definition of sovereignty.

Keywords
Italy; state; exception; conflicts; legality

Resumen
Este artículo analiza el desarrollo del estado de excepción en el contexto italiano. Los puntos de vista sobre el estado de excepción: la prevalencia del gobierno sobre el parlamento, la limitación de las libertades civiles, la creación de una dicotomía amigo/enemigo y el uso generalizado de decretos gubernamentales. Se demuestra cómo en Italia el estado de excepción opera de manera peculiar, ya que algunos poderes paralelos y extralegales, como el crimen organizado, los ex neofascistas y los oficiales de la OTAN, co-operan con los aparatos estatales ya sea para reprimir a los "enemigos" o para crearlos. Por lo tanto, este es un aspecto paradójico en relación con la dicotomía aliado/enemigo, ya que la soberanía del Estado disminuye ante las potencias extranjeras. La conclusión muestra que es necesario actualizar, si no superar, la dicotomía aliado/enemigo, promoviendo e implementando una dicotomía inclusiva que excluya a quienes se oponen a una definición tan amplia de soberanía.

Palabras clave
Italia; estado; excepción; conflictos; legalidad

Introduction

This article analyzes the development of the "state of exception" within the Italian context. The standpoints of the state of exception, that is, the prevalence of government over the parliament, the limitation of civil liberties, the creation of a friend/enemy dichotomy, and the widespread use of governmental decrees. Following Giorgio Agamben's specification (2017), we will see how enemies are included in the juridical space through their exclusion from the social space. They function as scapegoats (Girard, 2006) through which a society fraught with conflicts lives on the threshold of anomie (Durkheim, 2000). This mechanism allows society to avoid dissolution.

It will be evidenced how, in Italy, the state of exception operates peculiarly. Some parallel, extralegal powers (Bobbio, 1993), such as organized crime, former neo-fascists, and NATO officers, cooperate with state apparatuses. They do this either to repress the "enemies" or to create them. This is a paradoxical aspect of the friend/enemy dichotomy, as State sovereignty is diminished vis-à-vis foreign powers, such as the USA and NATO. So, it is not a matter of State sovereignty, but rather of bloc sovereignty, and in the Italian case, this dynamic will hold from 1945 to 1989. Schmitt (1994) gave a juridical definition of sovereignty and the state of exception, but did not address how the *construction* of the enemy is the product of a circular dialectic.

Modern states, as Thomas Hobbes (1997) argues, emerge from civil wars to bring peace and order and to boost economic development. Hobbes argues that the creation of the State is the consequence of a free choice, made by actors who have equal wills and resources. Modern capitalism, as noted by Lefebvre (1978), embitters social conflicts, thereby confuting the condition of equality imagined by Hobbes. As a result, the State will be forced to legitimize itself by choosing between the two opponents. The way this choice is made is influenced by forced relations and conflicts between different social groups.

Sovereignty is therefore not monolithic, and the state, as Agamben points out in *Stasis* (2013), faces a constant risk of dissolution. This makes it necessary to create enemies—that is, individuals or groups who are, on the one hand, considered a threat to the State's existence and, on the other hand, essential to its survival. Therefore, it can be argued that the State does not create the enemy; rather, it creates the enemy to ensure its survival. The tense relationship between political power and social groups results in a vicious cycle that perpetuates ongoing conflicts and the State's need for them. There is also a shift in the enemy's political nature.

Until 1989, when the Berlin Wall fell, one could argue that the enemy was an external threat, as the communists were associated with a foreign State, that is, the USSR. The collapse of the socialist regime catalyzes the emergence of a new kind of enemy: an

inner, unknown enemy, even more dangerous, threatening society from within rather than from outside, and requiring a more articulated State intervention in everyday life.

The conclusion is that it is necessary to update, or even overcome, the friend/enemy dichotomy by promoting and implementing a more inclusive approach that excludes those who are against such a wide-ranging definition of sovereignty.

1. Post-War Italy: A (Limited) Sovereignty?

Post-World War II Italy is a peculiar country, fraught with deep political and social cleavages that also threatened the Italian State's existence. The post-resistance divisions, as described by Pavone (1993), reveal how the liberation war overlapped with civil war and class war, coupled with divisions between north and south. Sicily provided the scenario for the State of Exception.

On Mayday 1947, in Portella della Ginestra, near Palermo (Casarrubea, 2002), gunmen killed 11 people during a demonstration to celebrate the victory of the left coalition in Sicilian regional elections. Other homicides and intimidation episodes followed across Sicily (Santino, 2017) and were not enforced either by the Italian police forces or by the Carabinieri.

The Italian governments of the time contrasted the "illegal" occupations of lands by the workers. At the same time, they widely tolerated the assassination of union activists and the intimidation of those engaged in political struggles. These individuals were portrayed as enemies of private property laws, which were central to the foundations of the Italian state (Spriano, 1989; Mineo, 1953). The massacre of Portella della Ginestra marked the peak of the peasant movement repression. After this event, many Sicilians decided to emigrate either to Italy or abroad.

Besides the peasants' movement in Southern Italy, the growth of the left-wing parties, such as the PCI (Partito Comunista Italiano) and the PSI (Partito Socialista Italiano), raised, among the most conservative political and social forces, as well as among the Western Allies, the concern of an imminent Bolshevik rising to turn Italy into a socialist country. While hopes of revolution grew rapidly among the left, the anti-fascist resistance was considered the first step toward socialist revolution (Pavone, 1993). The occupation of factories and the execution of former Fascist activists by Communist squads such as the *Volante Rossa* (Bermani, 1993) reflected the contradictory post-war atmosphere.

This period combined the hope for a better future with the resentment against the cruelties suffered under the fascist dictatorship and the war, and desperation because of economic hardships. Such political and social polarization triggered a sharp conflict, in which the friend/enemy dichotomy was epitomized day by day, reaching its peak

during the 1946 referendum, when Italian voters, by 2 million votes, decided to repeal the Monarchy. The victory of Christian Democracy (DC) in the general elections of 1948 will mark a watershed, as it inaugurates Italy's entry into the Cold War context.

The threat of Communism provided the DC-led governments with a reason to justify not repealing the authoritarian law passed by the fascist regime. They also joined clandestine military structures such as Gladio, and to prevent a Communist rise to power, they made it legitimate to recruit former ex-fascist officers, neo-fascist activists (De Lutiis, 1994). They conducted illegal activities of surveillance, espionage, infiltrations, and terrorist attacks. The consequences of such *de facto* legitimization of illegal actors soon became clear.

In July 1964 (Franzinelli, 2013), an attempted coup tried to overthrow the first centre-left government led by Aldo Moro. News of this attempt became public only three years later, thanks to leaks from the weekly magazine *L'Espresso.* Two other attempted coups followed: the "Borghese" occurred in 1970 and the "Rosa dei Venti" in 1973 (Ferraresi, 1993).

The most heinous fact, though, concerns the bomb that exploded in Piazza Fontana, in the centre of Milan, on 12 December 1969, killing 17 people and wounding 84 in a terrorist attack that took place in the Banca dell'Agricoltura, right in the centre of Italy's economic capital (Ligini, Di Giovanni & Pellegrini, 1971; Boatti, 1999; Bettin & Dianese, 1999; Maltini & Fuga, 2017). At the beginning, both the police and the mainstream public opinion held the anarchists responsible for the bomb. Authorities arrested some of them, and also killed an anarchist activist, Giuseppe Pinelli, who fell out of the window of the Milan police headquarters.

However, later investigations by magistrates unearthed the existence of a sophisticated plot involving members of the secret services, ex-fascists, neo-fascists, high-ranking officers, and ministers who co-operated with NATO members.

The post-war context shows the peculiarity of the Italian State of Exception. On one hand, firstly, the alleged communist threat created a climate of emergency; on the other, no new special laws were passed during this period. This was likely because the recent Fascist legacy had left enough repressive laws that only needed to be enforced and not repealed. Moreover, the return to democracy discouraged attempts to use power in an authoritarian manner.

For this reason, one could argue that an implicit State of Exception characterizes post-war Italy. This consists of keeping the old fascist laws and apparatus intact while delaying the enforcement of the democratic Constitution. For example, regional autonomy was not enforced until 1970, thereby maintaining a centralized State structure that allowed the central government to operate more efficiently by circumventing local

powers. Besides this, administrative decisions, such as those undertaken by the *prefetti* (local chiefs of police) under the direction of the Ministry of Interior against the demonstrations and strikes by workers and peasants (Bernardi, 1994), increased executive power as outlined in the Schmittian scheme.

Secondly, the exception provided by the Communist threat manifests in the tolerance and involvement of illegal actors in the alleged "defense of democracy". Mafioso, ex-fascists, and neo-fascists provided a fruitful cooperation to serve the purposes of the Western Bloc. This cooperation contradicted the official formulas of legality and respect for fundamental liberties.

This dynamic would characterize Italian politics throughout the Cold War. Ex Fascists and Mafioso played a role that, in Giorgio Agamben's scheme (2017, p. 187), has the force of law but is neither legislated nor legitimate. Still, it is effective in wielding power and influencing Italy's political balance.

These two actors often enjoy support from American forces operating in Italy (www.cameradeideputati.it/commissionestragi) and have worked as effective lawmakers within the Italian context. Although they actively operated by committing crimes and by thwarting the implementation of any legislative decision that works against their interests. Their ambiguity in the Italian political scenario is notable. On one hand, their anti-communist stance and significant share of economic power and paramilitary force, especially the Mafioso's control in Sicily, Calabria, and Campania (Santino, 2000, cit.; Sciarrone, 2001). On the other hand, criminal organizations and neo-fascist groups are sometimes used instrumentally to feed the rhetoric around new emergencies, which justify the enforcement of special laws.

It usually works within a top-bottom dynamic, where lower ranks of the *poteri occulti* (hidden powers) are caught and criminalized (Ruggiero, 1996). Meanwhile, the connections between legal and illegal high ranks remain hidden or are overshadowed. The prosecution focuses on scapegoats, labeled as the most heinous criminals, whereas their connections with politics are neglected.

This aspect fits into the idea of emergency as a circular process. First, States create enemies, which justifies their power. A superficial interpretation of this scheme could lead to determinism, as it may seem that States are endowed with a synoptic rationality that allows them both to predict and to manipulate conflicts. In reality, State power consists of a dominating cluster of fluid and temporary alliances. These alliances attempt to produce and reproduce their prerogatives, and this process becomes understandable. Neo-fascists and the criminal organizations, no matter their strength, do not have a monopoly on violence. They cannot control magistrates, government, or parliament,

except through a long-term alliance. If organized crime and fascism raise moral panic, authorities can make them scapegoats, even if they were tolerated before.

We will analyze this mechanism more in depth in the next session. What is important to stress here is that the Italian peculiarity of the State of Exception constantly reshuffles the actors of the exception, who can change sides over time. In any case, what happens is an increase in executive power under decrees and special laws, as well as under the creation of a new enemy.

Thirdly, in Italy, the concept of sovereignty develops in a very paradoxical way. Although Italy was defeated and remains under military occupation, the continued presence of NATO (especially American officers) within its borders sharply contradicts the statement Schmitt (1994) makes: formally, it is the Italian government that decides about the State of Exception, but the substantial decision maker is in Washington, as a matter of fact. This is a limiting aspect of Italian sovereignty that will embitter social conflicts, as discussed in the following session.

Finally, there is no such thing as a monolithic sovereign. Behind it, a cluster of actors shares the concern for a Communist rise to power and aims to resolve this problem. The State, according to Poulantzas (1977), is crossed by a plurality of conflicts. Sovereignty is defined by plurality: a coalition of actors takes power and eventually defines the space for exception. This describes the case of the Italian state of exception, which is also subject to change. In the 1970s, as we will see, the era of National Solidarity will bring the PCI into the government. It will inaugurate a new exception under the alleged threats of terrorism and economic recession.

2. 1973-1990s: The Paradox of *Democratic Exceptionalism* from Terrorism to Corruption

The 1970s mark a watershed in Italian history. On the one hand, social and economic modernization gave rise to new social movements: women, students, and mass workers (Panzieri, 1963; Moroni & Balestrini, 1998, cit.; Crainz, 2005, cit.; Ginsborg, 1992). Their radical changes spread across society. On the other hand, the economic crisis of the early 1970s (O'Connor, 1976) increased the unemployment rate, particularly among young people, and led to price increases, spreading unrest across the country. Demonstrations, clashes, collective occupation of abandoned flats, and boycotts of bill payments became common, often organized by the extra-parliamentary left (Scalzone, 1989; Negri, 1983).

There is a gap between the traditional working class, satisfied with its full-time job and its family-based welfare, and the new generation of workers. This caused a social rift and prompted change within Italian society and politics. The PCI chose to consider

widespread social unrest as a matter of public order. The episode in Rome on 17 February 1977 marked the start of an open confrontation between the PCI and the social movement of the age. On that day, the leader of the Communist trade union, Luciano Lama, was forced to interrupt his speech at the university and hurriedly leave the premises to escape students' protests.

The Communist secretary, Enrico Berlinguer, had allowed his party to join a coalition of National Solidarity with the Christian Democrats. He supported an austerity-oriented economic policy to face the crisis. Berlinguer called the movement "a bunch of ciphers" (Valentini, 1989) and endorsed the law-and-order approach against the demonstrators. His cousin, Christian Democrat Ministry of Interior Francesco Cossiga, had decided to adopt this approach.

In 1975, the Italian Parliament had passed the *Reale Act*. This law allowed police forces to shoot point-blank and also limited the freedom of speech and demonstration under the necessity of maintaining public order. Some tragic episodes followed, such as the death of the student Francesco Lo Russo on March 11, 1977, and the death of the young feminist Giorgiana Masi on May 12, 1977, both victims of point-blank shootings by the police forces. These events spread among movement activists, who came to believe that armed struggle was the only answer. The Red Brigades engaged in an escalation reaching a peak in 1978 with the kidnapping and killing of Aldo Moro, the Christian Democrat leader.

This historical reconstruction shows that the Italian State of Exception underwent big changes. Unlike in previous years, the PCI had crossed the threshold of legitimacy and had become one of the main actors in exceptionalism. It even inspired a hard-line approach against the movement, which one could call democratic exceptionalism, as all the parties represented in parliament, except the Radicals and PDUP (Partito D'Unità Proletaria), endorsed it.

Special laws, government decrees, suspension of civil liberties, and an increase in police powers were directed against a part of the country that expressed its discontent with both the deterioration of living conditions and the parties' measures, including those on the left. Younger generations were regarded as a new enemy, against whom all advocates of democratic values should unite.

The friend/enemy dialectic takes place *inside* the state, starting a pattern that will characterize Italy in the future. Despite the Berlin Wall still standing, the PCI became part of the friendly side by promoting the repression of social movements. Unlike earlier decades, this time the state of exception is *explicit*. In the 1950s and 1960s, the persistence of fascist laws and cadres, the failure to enforce the Constitution, and the delay of de-militarization

of police (which would not occur until 1981), worked as a deterrent for social movements. In the 1970s, special laws, enacted with almost unanimous parliamentary consent, became necessary to maintain public order. This removed not only the conflicts themselves but also their social and political roots. The consequence of this repressive stance was the escalation of conflict, with the Red Brigades escalating to a higher degree of violence and other armed groups, such as Prima Linea (Segio, 2005), forming and operating in the late 1970s.

One can argue that it is a context of circular dialectic, with the State cloning its own enemy (Ruggiero, 2006). The enforcement of special laws to reject the demands of the 1977 social movements created the conditions for embittered confrontation. This is not a deterministic matter. Instead, it is a *deviance-amplification dynamic, as Stanley Cohen (1971) suggested in his work on* deviance and moral panic. The more some social groups are labeled negatively, the more they will live up to their negative identity. This alienation from mainstream society and politics, under specific critical events, can push the boundaries to the point of no-return: armed struggle. It is the State, or, as we have stated before, the coalition of groups that hold power, that draws the line. This creates space for folk-devils, marauders, and subversives, and deepens the gap within society.

Democratic exceptionalism will also influence the neo-fascist groups. On the one hand, right-wing militants connected with state apparatuses will continue their terrorist attacks. The Italicus train bombing of 1974, the Brescia massacre of the same year, and the Bologna station attack of 1980 (Ferraresi, 1997) follow the same trail inaugurated in 1960. These bombs explode in public places and cause mass deaths.

On the other hand, new neo-fascist groups, such as the *Nuclei Armati Rivoluzionari* (NAR; Armed Revolutionary Nuclei), theorize and practice a guerrilla-style action. These actions emulate those of extreme-left organizations (Bianconi, 1995; Rao, 2006; Colombo, 2007) and distinguish themselves from an older generation of neo-fascists, seen as too compromised by state power.

The kidnapping and killing of Aldo Moro by the Red Brigades in 1978, as well as the discovery of the illegal masonic lodge P2 by the Milanese magistrates Giuliano Turone and Gherardo Colombo (Galli, 2003; Beccaria, 2007), set the context for a re-interpretation of recent Italian history. P2 was involved in many corruption scandals and terrorist attacks. These events were used to justify the enforcement of special laws. Conspiracy theory approaches, mostly by PCI members and intellectuals (Flamigni, 1993), claim the existence of an anti-PCI plot. They argue that this plot was woven by Gladio and the P2 lodge to impede a DC-PCI government.

To fulfill this purpose, the plot has bred and fed terrorism, both on the left and on the right. The existence of such an articulated plot implies a serious threat to Italian

democracy. This threat must be addressed through the approval and enforcement of special laws. Within this cultural and political context, new special laws will be passed.

For example, Francesco Cossiga, who served as prime minister between 1979 and 1980, promoted measures such as extending incommunicado detention to 4 days and establishing special detention for political prisoners (De Vito, 2009). Furthermore, Cossiga supports legislation granting *pentiti* (turncoats) significant reductions in punishment in exchange for their revelations.

At the same time, police officers, in particular those from a special squad trained by the so-called *Dr De Tormentis*, that is Doctor Tormentor, (Gonnella 2013, cit.; Prette, 1994), practice torture. No martial law was ever declared, nor was there any suspension of liberties. Despite this, special laws and government decrees dissent and let workers work in the direction of criminalizing dissent and enacting repressive policies that ended up killing demonstrators or producing political detention.

On April 7, 1979, magistrates in Padua, Milan, and Rome issued 62,000 *comunicazioni giudiziarie* (warrants of investigation) against alleged militants of extra-parliamentary left. These individuals were accused of being involved in a subversive plot to overthrow the government. Charges included *insurrezione armata contro i poteri dello Stato* (armed uprising against the State) or *concorso morale* (moral support). These charges were drawn from the Fascist penal law, which remained in force (Bocca, 1982).

By the early 1980s, Italy had 5,000 political prisoners, making up one-fifth of the total number of inmates (Amnesty International, 1983). The authorities indiscriminately used pre-trial detention and enforced an inhuman imprisonment regime. These actions fell far short of the presumption of innocence expected in a liberal regime. Officials justified their repressive measures by citing an alleged "terrorist threat", to enforce such repressive measures that, indeed, 1970s Italy was living under a State of Exception.

While the state repressed political dissent, it allowed organized crime to operate and thrive due to the state's indifference. Cigarette smugglers in Naples employed 15,000 people (Barbagallo, 1990). The *Corleonesi* faction of Cosa Nostra eliminated their opponents to gain control of the criminal organization (Deaglio, 1993; Santino & Chinnici, 1990) and killed police officers and magistrates who tried to investigate the Sicilian mafia activity.

3. The Exception of Honesty: Italy Since the 1980s

The abduction of US general James Lee Dozier and his liberation in early 1982 (Galli, 2003) meant the end of the Red Brigades and of left-wing political violence. Moreover, the defeat of Fiat workers in November 1980 (Revelli, 1993; Polo-Sabattini, 2003)

marked the end of sharp social conflict and initiated a period of economic restructuring. In this new phase, small, family-based, and country-based factories replaced the old large urban industrial complexes, providing the backbone of the Northern League (Bonomi, 1998).

However, this apparently peaceful scenario was short-lived. A new emergency soon emerged, requiring exceptional laws in the Italian political landscape. On 3 September 1982, the *prefetto* of Palermo, Carlo Alberto Dalla Chiesa, former head of the Anti-Terrorism Unit, was killed by a Mafioso commando along with his wife, Emanuela Setti Carraro.

The event drew the Italian public's attention to Sicily, as the battle between the Corleonesi and their rivals raged. Local politicians, as well as journalists, magistrates, and police officers, were being killed because of their anti-mafia activism. Although the mafia, along with the camorra in Campania and the 'ndrangheta in Calabria, had been operating for centuries (Dickie, 2012), it was only after the killing of Dalla Chiesa that the issue of mafia gained consideration by politicians and opinion makers.

The Italian State of Exception is strictly related to this change. The end of terrorism and the crisis of the working class, caused by industrial restructuring, made previous emergencies obsolete and created a vacuum that needed to be filled. Meanwhile, mafia wars across Southern Italy, but especially in Sicily, resulted in a high death toll. This also concerned members of the state apparatus, such as magistrates, politicians, and police officers (the so-called excellent crimes; Pantaleone, 1969; Santino & La Fiura, 1989).

The high number of these victims, including the President of Sicily Piersanti Mattarella (1980); the provincial secretary of Christian Democracy Michele Reina (1979); the regional secretary of PCI Pio La Torre (1982); the prosecutors Cesare Terranova (1979); Gaetano Costa (1980), Rocco Chinnici (1983); police and Carabinieri officers Giuseppe Russo (1977), Emanuele Basile (1980), Calogero Zucchetto (1982) and Mario D'Aleo (1983); as well as the journalist Mario Francese in 1979, to feed the rhetoric of an attack against the State.

A mafia/anti-mafia dichotomy developed, revolving around an alleged conflict between the State, depicted as a compact, monolithic entity, and the mafia, regarded as an "octopus" (a metaphor inspired by a successful TV serial) that attempted to strangle it. Journalists and academics produced numerous investigations into the mafia. Meanwhile, new politicians and political movements produced the rhetoric of *legality*. Organized crime violated the rules of associate living. Thus, it was necessary to emphasize the value of respecting rules, including the use of special laws. According to the "anti-mafia professionals", as the Sicilian novelist Leonardo Sciascia was soon to define them (1986), Italy was at war with organized crime.

Consequently, authorities adopted as many exceptional measures as possible. They deployed the army, created special police branches, concentrated power in the hands of the government, and limited the presumption of innocence and of rights within the penal system. Authorities did not attend to their requests until the early 1990s. Thanks to revelations by the ex-prominent mafia member Tommaso Buscetta (Biagi, 1987; VV.AA., 1989) and other Mafioso, the Palermo prosecutors Giovanni Falcone and Paolo Borsellino were able to put the main mafia bosses on trial and secure their convictions. In 1992, Cosa Nostra planned two bomb attacks that killed Falcone and Borsellino. These attacks tapped into a context of a legitimization crisis, as the Tangentopoli corruption scandal (Nelken, 2001) broke out, causing the collapse of post-war political leaders and the parties that had ruled the country for almost half a century.

In pursuit of honesty, the army was deployed to patrol Sicily after Borsellino's death in July 1992. Meanwhile, the 41 bis section of the penal procedure law limited the rights of inmates who were either convicted or accused of membership in criminal organizations. Furthermore, the *ergastolo ostativo* (permanent life sentence) banned access to alternative measures for the mafia convicts who did not collaborate with magistrates. Despite violations of inmates' rights under such regimes (Indelicato, 2016) and the unfavorable 2010 judgments of the European Court of Human Rights against the enforcement of 41 bis, almost all political parties consider these measures the touchstones of legality. In contrast, on the corruption side, magistrates in Milan, where the *Tangentopoli* scandal broke out, engaged in mass arrests. They forced defendants into long pre-trial detention to compel confessions (Fele, 1996). Finally, the alleged corruptors and the corrupted were shown handcuffed to the public as scapegoats.

In this context, in 1992, the Italian Parliament passed a law that raised the number of votes required to pass an amnesty to two-thirds, thereby making it impossible. This act reversed a trend in the Italian Parliament (Pavarini, 1998, p. 29) of voting on an amnesty bill every decade that, at least temporarily, resolved the problem of prison overcrowding.

This new stage of the State of Exception has no ideological connotation, as the political parties claim to be against organized crime and corruption. The Northern League and the neo-fascists took advantage of this context and became part of the government under the leadership of tycoon Silvio Berlusconi. As electoral reforms have increased executive power, magistrates have played a more central role in mediating conflicts between two coalitions, each proposing a different version of neo-liberalism.

The so-called center-left aimed to turn Italy into a "normal country" (D'Alema, 1997), with private entrepreneurship regulated by the State and supported by the third

sector (Rifkin, 1995), a cluster of NGOs and cooperatives around the Catholic Church and the ex-PCI network, to provide a certain degree of "solidarity". The other side, that is, the center-right, proposed a more aggressive neoliberalism, a free enterprise without any limitations (Urbani, 1994). Both sides agree on the privatization of public services and the rollback of the State's role, as well as on Italy's participation in the USA–ruled NATO military alliance.

The consequences of this neo-liberal consent were seen in July 2001. Specifically, the G8 meeting in Genoa ended tragically with the death of the young activist Carlo Giuliani at the hands of the police. Additionally, there was a raid at the school Diaz, resulting in mass arrests and torture of demonstrators (De Gregorio, 2002). In the aftermath, various observers characterize the events in Genoa as a *suspension of democracy,* with both sides having endorsed this condition. On one hand, the management of public order at the G8 was assigned to the freshly elected second Berlusconi government. However, it is important to note that preparations had already been made by the previous coalition (2021), as evidenced by the repression of a no-global rally in Naples a few months earlier.

Despite their different motives, both sides appealed to demonstrators' sense of responsibility. They did so by emphasizing the alleged "violent acts" committed by the latter and by neglecting the repressive and authoritarian attitude of police forces. Furthermore, the special laws passed in the 1970s remained in place, aligning with the nearly unanimous neoliberal consent in Italian politics since 1992.

As a result, the repression of new dangerous classes, such as the no-global movement, matched the securitarian attitude hegemonizing politics and society. Those outcomes were the expansion of the penal sphere (De Giorgi, 2001). The issue of punitiveness grew increasingly relevant in Italy as immigration became a public order concern (Dal Lago, 1999). The punitive anti-drug law enforced in 1990 (Anastasia & Gonnella, 2002) resulted in a skyrocketing number of prisoners, which increased to 67,000 in 2006, compared to 25,000 in 1990 (Mosconi & Sarzotti, 2006).

A new emergency, urban security, also in post-Cold War Italy. Following trends in other Western countries like the USA (De Giorgi, 2000; Simon, 2009), a more unstable society sought cohesion in the community of accomplices (Bauman, 2006) that creates and prosecutes the scapegoat. Migrants, activists, sex workers, drug users, and LGBTQI+ people became the new dangerous classes, a tank of dysfunctional groups to be monitored, banned, and punished.

The new Italian state of exception is inward, as its enemies are internal rather than external. While foreigners may seem outside, they remain part of the national space and

share the status of a dangerous group with other members of Italian society. Relevant political conflicts might divide the political spectrum, but they are largely absent, so exceptionalism is shared by all political actors. The old exceptional laws remain, having set a precedent still followed: the government issues decrees, which Parliament eventually approves, often after a confidence vote.

The resolution of conflicts is increasingly delegated to magistrates' ruolo suppletivo (substitutive role), while police forces ensure public order is maintained. As a consequence of this, old political parties have collapsed, to be replaced by populist forces (Tarchi, 2017) such as the 5 Star Movement of the comedian Beppe Grillo and the post-fascist *Fratelli d'Italia* (Brothers of Italy), led by the current prime minister Giorgia Meloni.

As the economy deteriorated because of the pandemic, the centre-left and 5 Star Movement-led governments collapsed. This was followed by the formation of a government of national emergency, led by the former European Central Bank president Mario Draghi, who secured a majority that included all parties except Fratelli d'Italia. Under Draghi, Italy emerged from the health crisis by organizing a mass vaccination campaign supervised by an Army General. Following this, economic consequences were addressed through austerity policies that required mediation among many stakeholders.

However, as the Italian economy remained slow to recover, discontent grew, which led to the far-right leader Giorgia Meloni winning the September 2022 elections, the Italian economy is far from recovering. The September 2022 election was won by the far-right leader Giorgia Meloni, who benefited from discontent in Italian society after the pandemic.

The new government could best exploit an electoral law that penalizes plural representation, discouraging many citizens from voting; only 67%, the lowest electoral turnout since 1946, went to vote. As a result, the 25% FdI gained is effectively 16%, and the whole right-wing coalition's 40% is essentially 26%. This uncertain majority, also marred by internal conflicts, has used scapegoating of groups and individuals to secure consent. Measures such as the anti-rave decree of October 2022 and the special detention regime for anarchist inmate Salvatore Cospito both create new emergencies, allowing continual increases in executive power. A government that has no wide consent, whose economic policies cannot contradict the UE blueprints, will look for another exception to create and feed. The State of exception is, as always, artificial.

Conclusions

This article has sought to shed light on what lies within the State of Exception and, therefore, the *sovereign*. Sovereignty is not an empty or monolithic category, but consists

of social and political actors with specific values and economic interests. These actors conflict, agree, or tolerate one another depending on specific historical contexts.

The Italian case shows a progressive, inclusive path and a peculiar presence of external actors, such as the Mafia and NATO. These groups are included, tolerated, or excluded at different times. Italy transitioned from a significant social and political cleavage, characterized by the exclusion and criminalization of working-class and left-wing parties, to a state of generalized unanimity, with almost all the political and social actors included. This dynamic is related to the second aspect we analyzed: the nature of the *enemy*. Post-war Italy, bound to join NATO, was ruled by a government that viewed the working class, the PCI, and, to a certain extent, the PSI as agents of the USSR, thereby identifying them as the enemy within.

As the Communists gradually cross the threshold of sovereignty, the nature of the enemy changes, becoming an internal threat defined either by the degree of its compliance with the law (legality) or by its alien nature, determined by lifestyle, ethnicity, and sexual orientation. In other words, we are facing a scapegoat, or more than one, embodying all the negative characteristics that put at risk the mere existence of society. It is a weak society that produces its own threat and must deal with it through exceptional means. The third aspect of this article has also addressed the means used to enact the State of Exception. We were able to spot implicit and explicit means, such as the maintenance of fascist laws and apparatus, and the reluctant enforcement of the Democratic Constitution.

Moreover, it was found that the Italian State of Exception relies on the presence of external, as well as illegal, actors, such as organized crime groups, who patrol large parts of the territory through a paramilitary structure and a widespread network of relations. It is an unusual presence, but preserving the Italian Republic's existence will be crucial in line with NATO expectations and recommendations. It is thus possible to argue that, following Agamben's scheme, exception relates more to the force of (law) than to the force of law. Neither is it necessary to have juridical status to wild power, nor is it required that the existence of a law that either states or regulates the condition of exception. Those actors vested with power will decide *how, when*, and *to what extent to* wield their power.

For this reason, it is not necessary to decree a full state of exceptions; the government's use of ad hoc decrees to address a specific *emergency* will suffice. In more complex cases, special laws governing a specific domain of public life (the penal system, political dissent) will be issued and presented as *temporary exceptions* to normal life, but they will indeed remain in force.

Finally, the existence of illegal, informal, and external actors can feed the circle of creating (cloning). Power relations constantly change, so it becomes possible to indicate as an enemy one who was on your side shortly before, and vice versa. It was the case of neo-fascists and the mafia, who changed their status after social and political changes, but they were tolerated and incorporated before.

The creation of the enemy also relates to the mechanism of deviance amplification, as a confrontation is the consequence of a refusal to negotiate or to incorporate, at least in part, some of the demands the "other side" puts forward. Conflict is not always the natural outcome of political confrontation, but rather the consequence of a refusal to relinquish part of the power or to modify, at least partially, power relations. Power is a complex phenomenon, although a crucial aspect of social life.

To understand its mechanisms and dynamics, it is necessary to investigate its internal conflicts and transformations in depth. Carl Schmitt's (1994) concept of the state of exception is an important and seminal category for understanding sovereignty and the modern state, but it needs further investigation to be fleshed out. Only in this way it becomes possible to understand that, on the one hand, power seeks exceptions, creates them, but, on the other hand, exceptions are temporary, always due to be replaced, because of the dynamism and complexity of society, as well as because of the relational, plural nature of power itself. This achievement is necessary for us not to overcome our fear of power.

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