

**“Sore on the nation's body”: Repression of  
homosexuals under Italian Fascism**

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## Abstract

This thesis is written about Italian Fascism and its repression of homosexuality, drawing on primary sources of Italian legislation, archival data, and on the few existent (and in most of the cases fragmentary) secondary literatures on this puzzling and relatively under-represented topic. Despite the absence of proper criminal laws against homosexuality, the Fascist regime provided its authorities with the powers to realize their prejudices against homosexuals in action, which resulted in sending more hundreds of “pederasts” to political or common confinement. Homosexuality which, during the *Ventennio* shifted from being “only” immoral to being a real danger to the grandness of the race, was incompatible with the totalitarian Fascist plans of executing an “anthropological revolution” of the Italian population. Even if the homosexual repression grew simultaneously with the growing Italian sympathy towards Nazi Germany, this increased intolerance can not attributed only to the German influence. I would argue instead, that before the advent of Fascism, Italy had been the cradle of racist and homophobic ideas which gained prominence mainly by the theories of Cesare Lombroso and other scientists of the positivist school. The positivist credo in preventive/punitive seclusion resuscitated institutional practices as *diffida*, *ammonizione* and *domicilio coatto* during the Fascist era, and deployed them as means to repress any phenomenon which did not conform to the regime's standards.

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## Introduction

When Fascists came to power in Italy in 1922 they had to immediately face a long list of unresolved issues both on political and socio-economic level. These issues were not unfamiliar in Italy; they were the same which caused the weakening of Italian liberal society in the past century. Among those lesser discussed issues that had been perturbing the minds of Italians for a long time there was the long-standing issue of sexual morality. Certainly the aftermath of the Great War caused a lot of distress to the Italian population and sexuality was not the primary concern. However, it was obviously not absent from the minds of the leaders of the Fascist state. Fascists could count on substantial literature orientated toward by the defense of the family and race which informed their social and political projects.

As Fascist National Party consolidated its total power it gradually narrowed the space for the expression of “heterodox” ideas on sexual mores.<sup>1</sup> In spite of the fact that Fascist leaders did not follow the ethics of the Catholic Church in private life, publicly they advocated similar moral standards and with the help of the Church attempted to dictate more and more rigid norms on the Italian population. This became particularly intense after the Lateran Accords of 1929 when the Fascist State and the Holy See agreed upon several long-disputed questions, and established Catholicism as the religion of the state.<sup>2</sup> In the context of this collaboration between State and the Church, Fascism was seeking to solidify a new paradigm of sexuality for the Italian people. On one hand the regime trusted that the Fascist lifestyle reconfirms the natural male virility as natural characteristic of men,

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<sup>1</sup> Lutz Sauerteig, Roger Davidson, *Shaping Sexual Knowledge: A Cultural History of Sex Education in Twentieth Century Europe* (New York, Routledge, 2009), 97.

<sup>2</sup> Ibid. 98.

and the passivity and subjection as natural of women. On the other, it accepted the position of the Church which assigned sexuality to the sole purpose of procreation; a position compatible with the regime's demographical policy.<sup>3</sup>

The fact, that most aspects of the Fascist demographical policies enjoyed the support of the Church, the Fascist party and the Church did not necessarily agree on the matter of some objectives. As to gender relations the Catholic doctrine promoted that both men and women sexual activities out of wedlock were considered to be a sin, whereas, -according to feminist historian Bruno P. Wanrooij- hypocritically many Fascists were thrilled by the idea of extra conjugal sex as the part of the inherent nature of man and the positive manifestation of flamboyant Latin male sexuality.<sup>4</sup> This kind of double morality although was not so conspicuous and the Catholic ethics remained on the facade combined with the official moralistic propaganda of Fascism. As a consequence of these joint efforts the question of sexual morals became a means in the hand of Fascism to put forward their principles on the “chaste Fascist thalamus”<sup>5</sup>, their pro-natalist propaganda reinforcing censorship, prohibiting contraception. At the zenith of its power, Fascism started imposing increased pressure on the Italian society to achieve the permeating victory of the traditional masculine and feminine role models which were seen as the most suitable to regime's directives. The fascist man was obliged to despise any activities regarded to be feminine and reject any form of sexuality that would have transcended the boundaries of standardized heterosexuality and reproduction. As to those women who expressed their desire to enter the public sphere were spurned and ridiculed to be *maschiette* ( tomboys). Even though that female Fascist activists existed in Italy, and expanded the sphere for

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<sup>3</sup> Patrizia Dogliani, *Il Fascismo degli Italiani* (Torino: UTET Libreria, 2008), 225.

<sup>4</sup> Bruno Wanrooij, “Italian society under Fascism.” in *Liberal and Fascist Italy* ed. Adrian Lyttleton (Oxford University Press:2002), 187.

<sup>5</sup> Bruno Wanrooij, *Storia del Pudore: La questione sessuale in Italia 1860-1940* ( Torino:Marsilio,1991) , 97.

women, they did it only in order to serve the sacred aims of Fascist ideology. Non-Fascist, individualist feminism was stigmatized as a brainchild of frustrated and infertile women who were confused with their own natural identity. Hard working women fell under the accusation of wanting to deprive their husband's manly strength.<sup>6</sup> By criticizing the emancipated women Fascism stressed the hierarchical relationship between sexes which was justified in the supposed inalterableness of the subaltern feminine role.

This research is aimed to focus on homosexuality in Italy during the Fascist era. The goals of the research would be to reveal and reconstruct the fascist political attitude against homosexuality paying special attention to the cultural atmosphere, morality, the persistence of positivist ideas, which provided adequate background for the fascist regime's actions for overruling the social evil of pederasty as homosexuality was often called in the Fascist rhetoric. Given the lack of complex studies on homosexuality in Fascist Italy this thesis would be an investigation on institutional aspects with the reconstruction of personal cases, on the terms of the rhetoric with the practical applications.

Reconstructing homosexuality in the years of the regime, would allow us a reinterpretation of Fascism especially its totalitarian aspect. To examine the homosexual question in Italian Fascism I will use the Gentilian interpretation of Italian Fascism "as an Italian way to totalitarianism".<sup>7</sup> None of the authors who had already written about homosexuality and Fascist Italy claimed clearly that Mussolini's dictatorship was totalitarian. They did not either highlight the fact that the survival of positivist theories played significant role in Fascist legislation pointing out to the regime's paradoxical stand to modernity.

The "microhistory" of homosexuals under the Fascist regime may offer a useful

<sup>6</sup> Barbara Spackman, *Fascist virilities. Rhetoric, Ideology and Social Fantasy in Italy* (Minnesota Press, 2008. ), 14.

<sup>7</sup> See: Emilio Gentile, *La via totalitaria al Fascismo*. (Roma: La nuova Scientifica, 1995)

contribution to apprehend the totalitarian nature of Fascism and particularly its attempt to modify and control every segment of the individual and collective life of Italians “throughout melting the private into public in order to organise the society in a totalitarian way subordinating it to the control of one party and the absolute dominance of the state.”<sup>8</sup>

The persecution of homosexuals was always down- played by more tragic phenomena of Fascism like racial laws and political repression. During the two decades of the dictatorship hundreds of homosexuals were confined and banished in some cases as political confinees but more often as common ones.

In this study, I will also try to highlight the problematic question of the distinction between the political and common confinees and make an attempt to reconstruct a logic which could help to contribute to the picture of the phenomenon called Italian Fascism. In addition I make an attempt to analyze the problematic nature of the system’s approach to the ambiguous question of homosexuality and Fascist confinement. Certainly, I expect these questions to reconfirm the two-faced nature of the Fascist police strategies; political oppression was camouflaged, as it was moderate and selective in cases but savage and uncontrolled in others. .Only recently have some scholars recognized the significance of homosexuals’ persecutions in the assessment of Italian Fascism. The defeat of Fascism in 1945 did not signal an end of the social intolerance and abomination which homosexuals always had to face. Certainly, after 1945, the air of freedom was to be breathed, but in fact none of the fascist police measures against homosexuals, even confinement discontinued targeting “pederasts”. The situation did not improve much since the stigma on homosexuality remained intact. The political dominance of the Christian Democrats was characterized by immense efforts to restore the influence of the Catholic Church on a

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<sup>8</sup> Emilio Gentile, *La via italiana al totalitarismo* (Carocci:2002), 123.



cultural level, which could not possibly have a positive impact on the perception of homosexuality.<sup>9</sup> The 1950s were a triumphant period for the anti (homo) sexual morality, which, did not lag much behind for example the bygone restrictive values of Victorian England. It was also only the end of the 1970s when the new spaces opened up for including homosexuality in Italian historiography.<sup>10</sup> Before the 1980s, research on the topic had been limited because cultural norms, linked also to the legacy of Fascism, made it difficult to envisage the phenomenon of contemporary homosexuality as a product of historical change.<sup>11</sup> Notwithstanding that Italian historiography of sexuality has advanced since the early 1990s, there are still blank spots left behind. The number of studies addressing male and especially female homosexuality can be expressed in a one-digit figure. The relative lack of studies concerned with the history of male homosexuals during Fascism probably stems from the fact that there is not really a strong interest in Italy in deconstructing and historicizing male identity. The conservative attitude of the Italian academia led to the paucity of interest; historians did not make much effort to discuss the issue of the conditions of homosexuals in the Fascist era. These gaps have been preventing any sufficient understanding of the level of discrimination present in Fascism,. Further research promises to illuminate whether Fascist ideology aimed to fully transform the Italian society according to an anthropological revolution or just merely endeavored to eradicate resistance to conform to the fascist norms. In comparison to Nazi Germany, persecution of homosexuals in Fascist Italy was less fervent. Nazism intended to eliminate overt as well covert homosexuality which was deemed to pose a danger to the

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<sup>9</sup> Gianni Barilli Rossi. *Il movimento gay in Italia* (Milano: Feltrinelli, 1999) , 22.

<sup>10</sup> See: Giovanni Dall'Orto, *Omosessuali e Stato* (Cassero: Bologna, 1988), Dario Petrosino, "Traditori della stirpe. Il razzismo contro gli omosessuali nella stampa del fascismo", in eds. Alberto Burgio and Luciano Casali, *Razzismo Italiano* (Bologna: Clueb, 1996) and Lorenzo Benadusi. *Nemico dell Uomo Nuovo*. (Roma: Feltrinelli, 2005)

<sup>11</sup> Ibid.24

“normalizing” policies of The Nazi Party of Germany. If Italy had wanted to follow Germany on the path of open persecution of homosexuals, it should have first officially recognized first its existence. Fascism however failed to do so and chose the path of the strategy of concealment<sup>12</sup> which for political and moral reasons denied the presence of homosexuality.

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<sup>12</sup> Lorenzo Benadusi, *Il nemico dell'uomo nuovo* (Milan: Feltrinelli, 2004) , 14.



# Chapter 1

## Homosexuality during the years of Fascist regime in Italy: Theoretical approaches

### *1.1. Totalitarian Aspirations: Approaches to the Fascist regime in Italy*

Mussolini's dictatorship established and sustained the supremacy of the national-corporative state. Fascists wielded nearly absolute power in a hierarchically organized nation supported by a strong ideology. The Italian Fascist regime was based on a revolutionary ideology; it also forged a new culture or way of life for Italians. It was revolutionary in the sense that it set the goal of building a new society. It aimed to reinterpret the idea of nationalism in contrast to Marxism<sup>13</sup>, but also to conservatism and liberalism. As a specific culture, or way of life Fascism endeavored to reach a total change of collective imagination of Italians to blur the boundaries between public and private spheres and create one single national collectivity. The progressive penetration of State organs into the private sphere, and the simultaneous introduction of repression and its arbitrary application confirm the totalitarian nature of Italian Fascism.

Fascism's self-defined mission was not only to put forward a political principle, but to be a general path for everyone's life and also the guardian of morals. As Carlo Scorza the last Secretary General of the Fascist Party, put it in his revolutionary article in the leading fascist newspaper *Costruire*,

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<sup>13</sup> Enzo Travezo, "Interpreting Fascism" *Constellations* No.3. Vol.15 (2008), 304.

*“Fascism represents a lifestyle which is more than just a political ideology. It is the ideal system more than just a brilliant and well-designed concept. Therefore, Fascism must target the inner structure of human consciousness, the character formation, education of the new generation which will supplant the present one...Everyone needs to accept: Fascism enters even to private lives...”<sup>14</sup>*

Since the term totalitarianism occasioned long academic debates, it is necessary to define its meaning in the context of Italian Fascism. Expressions such as total dictatorship, “party-state”, appeared for the first time in an account of speech by Mussolini delivered on the January 3, 1925 in which he announced that thereafter all of Italy would be “fascitized”. In that speech, Mussolini spoke of the totalitarian disposition that animated Fascism, a disposition that found its definition in the social and political philosophy of Giovanni Gentile, the author of *Foundations of the Philosophy of Law*.<sup>15</sup> In his usage of the term, totalitarian implied a kind of voluntary ideological consensus which would homogenize an entire community. Homogeneous unity would have stood for an “organic reality of a historic and spiritual continuity of people”.<sup>16</sup> Totalitarianism, although as a novel feature in social and political philosophy, aimed to establish the monopoly of the political power in the hands of a single party which attempts to coerce in opposition to Gentile's unforced consensus- its ideology as a sort of secular religion on the society. As Luigi Salvatorelli, an Italian anti-Fascist historian, pointed out in 1923, Fascism planned to create a single party system and achieve total party dictatorship. Salvatorelli argued that the execution of this plan, would have meant the elimination of any form of political opposition and the end of the political life.<sup>17</sup> Salvatorelli compared Fascism to absolute state power or absolute

<sup>14</sup> Carlo Scorza, "Della Moralità Fascista. In *Costruire*", no.5. (February, 1928), 13-15.

<sup>15</sup> Philip. V. Cannistraro, *Historical Dictionary of Fascist Italy* (London, Greenwood Press, 1982), 539.

<sup>16</sup> Ibid. 593.

<sup>17</sup> Emilio Gentile, "Fascism in Power: Totalitarian Experiment" In *Liberal and Fascist Italy: 1900-1945*, ed. Adrian Lyttleton (Oxford University Press: 2002), 141.

autocracy. But these references did not properly encapsulate the novelty of the Fascist state. It was Giovanni Amendola, the liberal thinker who most probably coined the term totalitarianism (1923), and contrasted the *sistema minoritario* and the *sistema maggioritario* to the *sistema totalitario* that is the “promise of the absolute rule and complete control over political and administrative life”.<sup>18</sup> Amendola later used the concept of the totalitarian in a more general sense which also indicated the spiritual goal of Fascism: The totalitarian spirit which “permeates the mentality and everyday life of Italian citizens and obliges them to conform to the Fascist ideology.”<sup>19</sup>

Besides Amendola, the first real theorist of totalitarianism was the Catholic priest Don Luigi Sturzo,(1926)one of the fathers of Christian democracy. In Fascism, he clearly recognized its prevalent inclination to a total transformation of all moral, religious, cultural and political forces.<sup>20</sup> In his book written in exile, he identified the new regime's totalitarian tendencies in the idea that “Fascism itself is everything; the rest of the country is nothing. The former has all the rights which derive from power and force; the latter has only obligations and has to obey. The former is the Nation and the Patria, the latter is anti-Nation and anti-Patria.”<sup>21</sup>

To sum it up, it can be stated that the term totalitarian emerged from the Italian anti-Fascist oppositions emphasizing the endeavor of Fascism to achieve total rule over political, administrative and everyday life. Later, in 1925 however, it was used by the Fascists themselves as a self-reference.<sup>22</sup>

<sup>18</sup> Hans Maier, *Totalitarianism and political religion*. 1<sup>st</sup>. Vol. *Concepts and Comparison of Dictatorships* (New York and London,Routledge:2004), 202.

<sup>19</sup> Emilio Gentile, ”Fascism in Power: Totalitarian Experiment” in *Liberal and Fascist Italy: 1900-1945*, ed. Adrian Lyttleton (Oxford University Press:2002), 141.

<sup>20</sup> Hans Maier, *Totalitarianism and political religion*. 1<sup>st</sup>. Vol. *Concepts and Comparison of Dictatorships*.(New York and London,Routledge:2004), 28.

<sup>21</sup> Abbot Gleason, *Totalitarianism. The inner history of the Cold War*.(Oxford University Press:1995), 15.

<sup>22</sup> Hans Maier, *Totalitarianism and political religion*. 1<sup>st</sup>. Vol. *Concepts and Comparison of Dictatorships*.(New York and London,Routledge:2004), 202.

In spite of the fact that it was not Fascism which created the term totalitarian, Fascists evidently became fascinated by the this term, and proudly qualified their political views and political structure with it. It was probably because their opposition associated wild radicalism to it, and wildness, ferocity were the key qualities with which Fascist movement and Mussolini wanted to identify itself. Therefore, Mussolini (in his speech at the Fourth congress of the Fascist National Party) “evoked the term totalitarianism to express, besides radicalism, a dynamic new spirit which attempts to totally transform the society through a sound ordeal of violence-very much in the spirit of squadristo”.<sup>23</sup>

Hannah Arendt, in her seminal work *The Origins of Totalitarianism* (1951), argued that what totalitarian ideologies had targeted was not the “transformation of the outside world or the revolutionizing transmutation of society but the transformation of the human nature itself.” She regarded concentration camps as a sort of testing laboratories which aimed at annihilating human and create-according to strictly scientific standards- “living corpses” which react as Pavlov's dog to any kind of stimulation.<sup>24</sup> Arendt, therefore, reckoned Italian Fascism to have been authoritarian at least till its last phase and all in all beyond to be considered totalitarian, since it lacked a stably built- up terrorizing apparatus and camp system.<sup>25</sup> For Arendt Mussolini's regime “was not totalitarian but just an ordinary nationalist dictatorship developed logically from a multi-party democracy.”<sup>26</sup>

Even Renzo de Felice, the first Italian historian who had the possibility to consult the Fascist documents, had never claimed that the Fascist regime would have been completely totalitarian. Moreover, in a short chapter of his book *Interpretation of Fascism* (1969), he categorized the totalitarian approach as “minor interpretation”. The lack of mass terror and

<sup>23</sup> Abbot Gleason, *Totalitarianism. The inner history of the Cold War* (Oxford University Press:1995), 16.

<sup>24</sup> Hannah Arendt, *Origins of Totalitarianism*(Harcort, Brace Jovanovich.1973), 435-50.

<sup>25</sup> David Roberts, *Totalitarian Experiment in the twentieth century europe: understandig poverty of great politics* (New York and London: Routledge, 2006.),9.

<sup>26</sup> Ibid. 247.

concentration camp system, the Party's submission to the State and the the Duce were all obstructing factors to achieve perfect totalitarianism.<sup>27</sup> De Felice's interpretation on Italian Fascism markedly evolves around “consensus theory”. He argued that in the “Consensus Years”(1929-37) Fascists had enjoyed a genuine support from many Italians which was largely due to the Duce's charismatic power, the regime's social reform and the countries emergence from the economic decay.<sup>28</sup> In addition, De Felice argued, Fascism had been evidently revolutionary and expressed the desires of the middle class striving to assert itself, to a general consensus.<sup>29</sup>

Italian Fascism, despite Arendt's and Renzo Felice's academic influence, as a variation of totalitarianism used to be a popular approach for a while. However, due to a lack consensus on the topic, this approach has become less and less accepted, probably because of Italy's falling short of the mark to accomplish totalitarianism. Consequently, historiography in general referred to Italian Fascism as “totalitarian-oriented”, “imperfect totalitarianism”,or “incomplete totalitarianism”. One can argue that Italian Fascism cannot be compared to the paragon of Soviet or Nazi totalitarian systems.<sup>30</sup> However, to define Italian Fascism as a totalitarian system is still valid given that Fascists never forget about their totalitarian telos and Fascism “was developing relentlessly toward the totalitarian pattern.”<sup>31</sup> Only time and the intrigues of history impeded the unfolding of the “grandiose” plan, which had been born in the mind of the Fascist leaders. As Dante L. Germino(1959) argued, totalitarianism should be generally seen as a process of “becoming”and not a pure

<sup>27</sup> Emilio Gentile, “Fascism in Italian Historiography: In Search of an Individual Historical Identity”, *Journal of Contemporary History, Twentieth Anniversary Issue*, Vol. 21, No. 2 (Apr., 1986), 200.

<sup>28</sup> See: Renzo de Felice, *Mussolini il Duce. Gli anni di consenso* (Torino, Einaudi:2007)

<sup>29</sup> Renzo De Felice and Michael A. Leeden, *Fascism: an informal introduction to its theory and practice* (New Brunswick:Transaction Publisher,1977), 13.

<sup>30</sup> See a literature review on this topic:Constantin Iordachi. “Introduction”in:*Comparative Fascist Studies: New Perspective*.ed.by Constantin Iordachi, (Routledge, 2009)

<sup>31</sup> Dante. L. Germino,*The Italian Fascist Party on Power: A study in totalitarian rule* (University of Minneapolis Press:1959), 144.



accomplished fact. Germino also called Arendt's thesis into question claiming that Italian Fascism used totalitarian tools like informant system, detention camps, secret police oppression in order to keep citizens under control<sup>32</sup>

However even at its the most successful moments, the regime was essentially far from reaching a total agreement with the Italian society. What especially reveals the fragility of Fascist totalitarian aspiration and its inability to be accomplished was the crucial issue of Fascism's relation with the Church and the monarchy. The totalitarian state in Fascist Italy, as Alberto Aquarone stated, (1965) managed to invade neither the monarchy nor the realm of the Catholic Church which continued and enhanced its identity in the Italian civil society. The old bureaucracy along with the old traditional institutions was also holding fast. <sup>33</sup> Domenico Fisichella Italian political scientist put forward (1976) a very similar argument declaring that the independent position of the church and the continuing presence of the monarchy represented a sort of balance against the Fascists' totalitarizing tendency and impeded its fully manifestation in a true sense of the word totalitarian. <sup>34</sup>

Aquarone's and Fisichella's argumentations were corroborated by some non Italian historians like for example, Alexander de Grand (1982) according to whom Fascism in power never went beyond a loose single party system and a “leaky totalitarianism”, and succeeded the best when it decided to compromise with the conservative order. <sup>35</sup> The regime of “fiefdoms or hyphenated fascisms”, by which de Grand meant the fragmented power within the formally unified structure of the regime, implied therefore the endurance

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<sup>32</sup> Ibid. 127-135.

<sup>33</sup> Alberto Aquarone, *L'organizzazione dello Stato totalitario* (Torinao: Einaudi, Nuova Edizione, 2003), 290-295.

<sup>34</sup> Jens Petersen, “The concept of Totalitarianism in Italian culture after 1945”In :*Totalitarian and Authoritarian regimes in Europe* ed. by Jerzy W. Borejzsa and Klaus Ziemer (Warsaw, Berghans Book:2006), 547.

<sup>35</sup> Alexander de Grand, *Italian Fascism. Its origins and development* (University of Nebraska Press, 2000) ,19-21.

of the traditional institutions.<sup>36</sup>

The theses that Italian Fascism was non-totalitarian have been prevailing for long time and resulted in a modified image of Fascism. In between these notions lies the view of Juan J. Linz who was slightly reluctant to define Italian Fascism as totalitarian. Linz did not regard terror as necessary component of totalitarianism; therefore he rejected the terror -based argument of Hannah Arendt. He labeled Italian Fascism as an “arrested totalitarianism” indicating the totalitarian intentions and conceptions of the Fascists.<sup>37</sup>

Emilio Gentile, one of the most significant contemporary interpreters of Fascism, however had a contrary point of view to the non- totalitarian approaches. He argued that totalitarianism intended to change all aspects of people’s lives.<sup>38</sup> Its purpose was to establish control over individual and collective life including customs and characteristics, to reform the nation and in this way, to create a new civilization. Italian Fascism was, as he argues, the first totalitarian experiment because it gave birth to a new political rule which attempted to cover every perspective of Italian citizen's lives. This experiment was implemented by the party militia that had as its objective to impose the primacy of the politics both on individual and collective life. Gentile goes against the view of many experts who excluded Italian Fascism from the classification of totalitarian systems. According to him, the limited nature of totalitarianism in Fascist Italy is not a proof to deny its existence just as the abyss between myth and realization are not the evidences against the importance of the presence of the totalitarian myth in the politics of Fascism. He argues that even if Italian Fascism could not reach its desired myth of perfect totalitarianism, none of the totalitarian regimes could accomplish their ambitions “perfectly”.<sup>39</sup> Therefore,

<sup>36</sup> Ibid.21.

<sup>37</sup> Juan J. Linz, *Totalitarian and authoritarian regimes* (London,Lynne Rienner Publishers:2000) ,7.

<sup>38</sup> See on this topic: Constantion Iordachi. “Introduction”in:*Comparative Fascist Studies: New Perspective*.ed.by Constantin Iordachi,(Routledge, 2009)

<sup>39</sup> Emilio Gentile, Fascism and the Italian road to Totalitarianism. *Constellations* (2008) Vol. 15 Issue 3, 291-

completely or perfectly totalitarian regime don't exist and never been existing, as obstacles, resistances have always created significant contrasts between myth and reality, ambitions and achievements.<sup>40</sup> He concluded that exact classification within categories was not possible: if authoritarian fascism characterized the construction phase of the regime, it was totalitarian fascism, developing in Fascism's second decade in power which provided the dynamism and the goal of transforming the State.<sup>41</sup> In addition, he confirmed that focusing on the failure of the totalitarian desires in Italy can not be a reason to down-play the historical significance of this particular experience in the political terrain as it was done by many scholars. The Fascist Party transformed Italy into a huge laboratory where millions of citizens were involved by force or by their own willingness. This laboratory attempted to create the new race of Italians by the implementation of the myth of totalitarian State in the “idolatry of the primacy of politics”<sup>42</sup>, and the totalitarian nature of Fascism was clearly expressed in the efforts to achieve a genuine anthropological revolution which was to change the mindset, character, customs, and morals of people creating the New Italian within the concept of the New Man.<sup>43</sup>

## ***1.2 .The New Man- The New Italian: Origins and concepts***

The myth of the New Italian as an national aspect of the “palingenetic myth”<sup>44</sup> of the New Man, without doubt, one recurring motifs and characteristic of Italian Fascism.

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<sup>40</sup> See:Emilio Gentile, *La via italiana al totalitarismo* (Roma,Carocci:2001)

<sup>41</sup> Emilio Gentile, “Fascism in Italian Historiography: In Search of an Individual Historical Identity”, *Journal of Contemporary History, Twentieth Anniversary Issue*, Vol. 21, No. 2 (Apr., 1986), 201.

<sup>42</sup> Emilio Gentile, “Fascism, totalitarianism and political religion: definitions and critical reflections on criticism of an interpretation” *Totalitarian movements and Political religions* Vol.5.No.3 (Winter,2004) 342.

<sup>43</sup> Emilio Gentile,*Fascismo. Storia e interpretazione* (Roma, Laterza: 2002) 235-64.

<sup>44</sup> See:Roger Griffin, *The nature of Fascism* (London,Routledge:1991)

According to Benedetto Croce, the New Man was not born all of a sudden, with the advent of Fascism, but it had been already alive for some time and found its medium in the romantic activism along 19<sup>th</sup> century nourished by the ideals of a future secular humanity.<sup>45</sup> The concept of the New Italian, closely intertwined with the myth of the New man, however, appeared for the first time in the circles of cultural and political elite of the Risorgimento as an expression of will to purify the Italian character from atavistic flaws originated from centuries of subordination and servitude.<sup>46</sup> The same concept of the Italian renewal became the banner of the modernist avant-garde in the early 20<sup>th</sup> century. The futurist exaltation of mechanics, vitality, creative energy, breaking with the traditions and the regenerative violence of the war predicted the coming of a new age of the spirit and mind, reigned by the superman capable to the new Italian supremacy.<sup>47</sup>

This idea became confirmed by all those issues which occurred in the years of the First World War and after. The public opinion, that time, was preoccupied mainly by the questions of interventionist campaign, the occupation of Fiume, and the propaganda of combatant spiritualism. In this climate, and particularly after the war, the idea of New Man found its young, anti-bourgeoisie and revolutionary followers. The reflections of George L. Mosse on the intellectual origins of the Third Reich can be applied also to the case of postwar Italy: “After the Great War the desire for continued action animated the youth who had fought in the trenches. All over the West activism was the order of the day. Not exclusively the young people but many elderly identified such an activism with the spirit of the youth counter-posed with the degeneration of the old.”<sup>48</sup> And since the war was fought

<sup>45</sup> Benedetto Croce. *History of Europe in the nineteenth century* (New York : Harcourt Brace Jovanovich,1963), 42.

<sup>46</sup> Emilio Gentile, *La grande Italia. Ascesa e decadenza del mito della nazione nel ventesimo secolo.* (Milano, Mondadori:1997), 23.

<sup>47</sup> George L. Mosse, “Futurismo e culture politiche in Europa: una prospettiva globale.” In: *Futurismo, cultura e politica* ed. Renzo De Felice ( Torino, Fond. Agnelli:1988), 17.

<sup>48</sup> George L. Mosse, *Le origini culturali del Terzo Reich* (Milano, Il Saggiatore: 1991), 396.

by the youth, the combatant identity was defined around a generational core fostering the birth of a myth of youth.<sup>49</sup> The relationship between the myth of youth and the myth of the New Man was constant through out the two Fascist decades and could be defined as a key element of the Fascist ideological pillar.

Fascist ideology that attempted to “resurrect the heroic Italian of the classic” encompassed the State, the Party, the culture and also all the institutions of the regime. Its general world view marked its political aim "onto a philosophy of history as a realm for building the New Man"<sup>50</sup>. The myth of the New Man occupied a defining place in this ideology; the new Italian who is eager to fight for the Patria and the Fascist State has nothing in common with that of the recent past. The ideal of a rejuvenated masculinity that Fascism propagated was decisively associated with the establishment of a modern national character which was meant to be the antipode of a morally and physically atrophied generation. Rough and indomitable masculinity was expressed through the harmony and strength of the male body: athletic, resistant, moderate with visceral passions filled with the spirit of self- sacrifices.<sup>51</sup> For Fascism, the future of Italy laid with the young, strong and living, the totally opposite of “muddleheaded, talkative, intellectualizing liberals and socialists”, the tired and exhausted old men who had represented an old order.<sup>52</sup> As Gentile notes in his study about the creation of the Fascist party, liberalism and socialism were not merely political views but they typified two human characters: the man of bourgeoisie and the men of the flock, against which Fascism was forging the new type, the Fascist man. Fascism was therefore, the fight of the youth against senility, the struggle of vitality against passive intellect; a fight not purely between ideologies but between human

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<sup>49</sup> George L. Mosse, *Le guerre mondiali dalla tragedia al mito* (Roma, Laterza:1990), 59.

<sup>50</sup> Enzo Traverso, "Interpreting Fascism", *Constellations* No.3. Vol.15 (2008), 305.

<sup>51</sup> George Mosse, *Fascist Revolution: Toward a general theory of Fascism* (New York: H. Fertig, 1999), 21.

<sup>52</sup> *Ibid.*21.

types.<sup>53</sup>

Fascist political views praised struggle and war, sexual domination of masculinity, and the man of action who rules the masses and shapes them according to his own conceptions.<sup>54</sup> As George Mosse notes, Fascism was based on the continuum of war in peacetime, and stood for a male society, which symbolized orderly masculinity in comparison to the weaklings who had misgoverned the nation before the advent of the regime.<sup>55</sup> War meant above all to be the founder of the myth of the new fascist man; it provided a practicing surface for virility and violence as an experience by which an adamant and solid male identity was reshaped or reconstructed. The symbol of the war-hero was the genuine manifestation of manliness, outlining virility not just through everyday courage or morality, but through its combatant and violent force and willingness of sacrifice.<sup>56</sup>

Emilio Gentile agrees with Mosse's notes on the relation of war and masculinity as he observed that "fighting mentality" as an aftermath of the war experience had contributed to the spreading belief that violence and force were legitimate to achieve political objectives.<sup>57</sup> The attempt to create a "New Man" of Fascism meant replacing materialist and pragmatic culture of the 19<sup>th</sup> century. Fascism aimed to substitute the economic man with the heroic one, depreciated the depravity and corruption of the liberal political system of the pre-war era with the exhortation of force and violence. Moreover, violence for fascists represented not only a means, but a value, the hallmark of a real man who had been shaped by the war. As a matter of fact, for Gentile the eulogy of violence must be considered as the core of

<sup>53</sup> Emilio Gentile, *Storia del Partito Fascista. 1919-1922. Movimento e milizia* (Laterza, Roma-Bari:1989), 524-525.

<sup>54</sup> Tracy H. Koon, *Believe, Obey, Fight: Political Socialization of Youth in Fascist Italy, 1922-1943* (University of North Carolina Press, 1984), 3.

<sup>55</sup> George Mosse, *Nationalism and Sexuality* (University of Wisconsin Press, 1985), 154.

<sup>56</sup> George Mosse, *Image of the Man* (Oxford University Press, 1996), 167.

<sup>57</sup> Emilio Gentile, *Storia del Partito Fascista, 1919-22. Movimento e milizia* (Roma, Laterza:1989) 470.

Fascist ideology not as a “sporadic infatuation of some isolated intellectuals.”<sup>58</sup> He also affirms that “the aspiration to recreate Italians in their habits” and in their character matched to the totalitarian intention to shape a new type of man who embodies the family, the society, and the state itself.”<sup>59</sup> What Gentile calls the new Fascist religion that sacralized the state and ascribed to one of its primary educational tasks to remodel the new Italian; the believer of the new faith, who was meant to be the worshiper of the cult of Fascism.<sup>60</sup> As Roger Griffin argues, the nation was seen as decadent and in need for a rebirth through a national revolution. At the core of the fascist palingenetic myth laid the conviction that decadence was as the plague of modernity, which foreshadowed the decline of the nation.<sup>61</sup> Modernity, urbane comfort endangered the concept of rough masculinity because they deprived men from the pleasure of the eternal struggle against material and moral challenges, and impeded them to harden their masculinity in critical situations and led them to the perdition of decadence.<sup>62</sup> This vision of decadence rode tandem with the idea of the glorious rebirth of the nation. The palingenetic concept of the politics of Fascism did not neglect the sphere of sexuality by which it hoped the perpetuation of the strong and virile warrior race. Gentile also notes that the degeneration-regeneration theory inspired by the Mazzinian radical nationalism had strongly influenced the intellectual and political polemics against *Giolittismo*, lethal illness of liberalism and was an integral part of the Fascist rhetorics.<sup>63</sup> The “anthropological revolution pursued by Fascism without doubt integrated the idea of a biological regeneration of the stock” as it was dreamed by

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<sup>58</sup> Ibid.496.

<sup>59</sup> Emilio Gentile, *Il culto del littorio. La sacralizzazione della politica nell'Italia fascista* (Rome:Laterza,1996), 87.

<sup>60</sup> Ibid.3.

<sup>61</sup> Roger Griffin and Matthew Feldman, *Fascism* (Oxford University Press, 1995), 334.

<sup>62</sup> Sandro Bellassai, “The masculine mystique: Antimodernism and virility in Fascist Italy,” *Journal of Modern Italian Studies* 11 (2005), 319.

<sup>63</sup> Emilio Gentile, “Un apocalisse della modernità. La Grande Guerra e il Mito della Rigenerazione della politica.” *Storia Contemporanea*. 10 (1995), 773.

eugenicists.<sup>64</sup>

The realization of the Fascist model of the New Man, however, went through specific and distinguished phases during the Fascist Ventennio. In the first phase-the advent of Fascism- the squadrista can be identified with the first version of the New Fascist man. The squadrista embodied the myth of youth and vitality of Fascism as opposite to the senility and cowardice of the bourgeois liberal despised for being skeptic, tolerant, without the will to act and fight. Between 1926-29, the startup of the dictatorship indicated a new lifestyle conforming to the New Man ideal. In the years of consensus-that's is in between 1930-35 the New Man became the mass-man of Fascism, and the interpreter of a new civilization.<sup>65</sup> Since the mid-thirties, in the context of the acceleration of the totalitarian process, the figure of citizen in arms, who is ready to fight and die for the triumph of his country, was gradually replacing the squadrista as a model for new Italians.<sup>66</sup> In the last phase between 1937-43, the Fascists (1942) declared that a "Fascist race" existed so the New Man clearly took racial characteristics and served as a support to the ideal of a new global order which would have supposed to be realized by Fascism.

### ***1.3. New-Old morals and values in the Fascist family and gender policy***

Before the advent of Fascism, the rebellion against the old world manifested mainly in the rejection of the moral hypocrisy of the ruling classes and bourgeoisie. The national revolutionaries, those who represented the most radical wing of the ex-combatants, claimed a wider moral freedom. Beside these libertarian positions clearly influenced by the Futurist movement, tendencies to establish a new order, while maintaining the traditional

<sup>64</sup> Emilio Gentile, *Fascismo. Storia e interpretazione*. (Roma, Laterza:1989),235-264.

<sup>65</sup> Luciano Pazzaglia, *La formazione dell uomo nuovo nella strategia pedagogica del fascismo*. (Brescia, La Scuola:2003), 107-116.

<sup>66</sup> Emilio Gentile, *Fascismo. Storia e interpretazione* (Roma, Latrza:2002), 251.



power relations between men and women, were prevailing.

The 20's witnessed a revival of some traditional values in the Italian society that were subverted by First World War and the profound crisis of the postwar years. According to Renzo de Felice the revolutionary spirit and the aversion toward the old system which characterized the pre and post First World era slowly went under a transformation and the Italian society returned to a sort of conservatism which centralized around traditional values like nation, family, faith and the Fatherland. Old morals and values should have served as a filter through which Fascism tried to achieve a balanced transition to modernity.<sup>67</sup>

Among these values, it was the idea of large and prospering family that kept obsessed both Catholics and Fascists during the 20's. The family was a means to mold gender relations and as a pillar of society people believed that any changes which might occur at this level would have immediate effect on the society in general.<sup>68</sup> It was also the custodian of core values to be retained and not allowed to disperse. By fascistizing it, the family could be the source of strength for the whole Fascist society.

The history of Fascist morality must necessarily start from the mid 19<sup>th</sup> century. As Mosse pointed out, nationalism combined with respectability, coincided with the rise of the nation states.<sup>69</sup> From the mid of 19<sup>th</sup> century, state authorities had become more and more fascinated by the family. Strong and healthy citizens were the necessary conditions for the colonizing ambitions of European states. The male dominance in the family, which subordinated the rest of the family, was supported by the analogue of the subordination of the subjects to their sovereign. Because the family was considered to be the primary unit of

<sup>67</sup> Niccolò Zapponi, *I miti ed le ideologie. Storia della cultura italiana. 1870-1960*. (Napoli, Esi:1981), 125.

<sup>68</sup> Bruno P. F. Wanrooij, "Back to the Future. Gender, Morality and modernization of the 20<sup>th</sup>, century Italy." *Italian History and Culture*. II. (1996), 42.

<sup>69</sup> See: George Mosse, *Nationalism and Sexuality* ( University of Wisconsin Press,1985)

the society, it was assumed that obedience and continence within the family by analogy would translate into obedience to public authorities and stability of the government. Passion and fantasy was seen a danger for natural order, sexual activity was depicted as causative of chaos and disorder.<sup>70</sup> Sexuality was approved only within wedlock, its only goal must have been procreation and sexual education could be nothing else than a matrimonial preparation. Marriage was the institution which went beyond the personal and private sensuality to reach the Horatian principle of *fortes creantur fortibus*. Strong offspring could be originated only from strong parents who underwent a strict sexual formation during their childhood. In other words, the ultimate goal of the marriage was to build up a family with strong children, and it could be possible only through an enlightened guidance on chastity, virginity.<sup>71</sup> Chastity and similar properties must have been a condition of superiority as much for a population as for an individual. Thus, sexual education became an ideological device for the standardization of socially useful conducts to affirm militaristic and nationalistic tendencies. Nationalism helped to control sexuality to reinforce what society considered to be normal. The state intervened in domestic behavior not only through laws but mainly through discourse: sexuality became one of the chief metaphors of politics. The moral categories of virtue and vice were often replaced by the concepts of normality and abnormality sane and insane, health and disease.<sup>72</sup>

This overall description applies to Italy: politicians were convinced that if the new state becomes strong, it was also necessary to have more control over citizen's private lives. The interests, which in the advancement of the moral conditions of people, was also the

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<sup>70</sup> Bruno. P. F. Wanrooij, "Back to the Future. Gender, Morality and modernization of the 20<sup>th</sup>, century Italy." *Italian History and Culture*. II. (1996.), 42-43.

<sup>71</sup> Gaetano Bonetta, *Corpo e nazione. L'educazione ginnastica, igienica e sessuale nell'Italia liberale* (Roma: Franco Angeli 1991), 344-350.

<sup>72</sup> Bruno. P. F. Wanrooij, "Back to the Future. Gender, Morality and modernization of the 20<sup>th</sup>, century Italy." *Italian History and Culture*. II. (1998.), 48.

result of the changing relationship between State and the Catholic Church<sup>73</sup>. The Giolittian era did not ignore the question of sexuality either. From the beginning of the 20<sup>th</sup> century leagues for public morals, which sprung up in various big cities, warned citizen against a presumed decay of traditional family and invoked corrective actions by competent authorities.<sup>74</sup>

From the mid 20's the family was already considered as the depository of order and social security and the public debate of old values were focusing on the rejection of modern hedonism blamed for the demographic crisis. Fascist standpoints on sexual morals were determined by the will to enhance national prestige and military power through a demographic growth as Mussolini declared it in his famous Ascension Day speech in 1927. The "battle for births" as it was called in Fascist rhetorics was certainly one of the most important components of the entire ideological package of Fascism. Many elements merged here to support the demographic battle: Hostility towards higher class, anti-socialism, anti-neomalthusianism. Mussolini considered population decline and urbanization as the most obvious and incontrovertible proofs of the crisis of the Western civilization.<sup>75</sup> Fascist concerns with proliferation policy, which later justified the Italian colonialism, were embedded in the desire for expansionist imperialism. However, Mussolini's determination to consolidate his dictatorship was also an important factor to emphasize the pro-natalist politics.<sup>76</sup> The envisioning of creating the New Man, the New Italian was a very prominent characteristic of any totalitarian experiments, and in Italy, demographic problems offered new possibilities for these utopistic endeavors. The Fascist regime tried to impose total

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<sup>73</sup> Ibid. 50.

<sup>74</sup> Bruno P. F. Wanrooij, "Il dibattito sulla morale sessuale nel ventennio fascista." in *Cultura e societa negli anni del fascismo*. (Milano:Cordani, 1987), 535.

<sup>75</sup> Renzo de Felice, Mussolini il Duce. Gli anni del consenso. 148, cited in *Cultura e societa negli anni del fascismo*. (Milano, Cordoni: 1987) ,437.

<sup>76</sup> Victoria De Grazia, *How Fascism Ruled Women* (University of California Press:1992), 42.

control on both the political system and society as a whole.<sup>77</sup> The private sphere became public and social organ in the body of the corporative system. Family gained political functions and served the proud aim of procreation. The population policy had a totalitarian intent: to rule basic individual rights in the field of nuptiality, fertility in the service of Fascist Italy.<sup>78</sup> Regarding the largeness of Italian population, the regime launched a series of interventions in order to stimulate proliferation and support maternity. While heavy taxes stroke incorrigible unmarried men (Bachelors' tax), the system introduced tax exemptions for prolific families, and the male preference at job admissions also supported the demographic growth. The article 553, introduced by the new penal code Rocco in 1931, which prohibited propaganda and incitement against contraceptive practices, had already a political motivation beyond the ethical one<sup>79</sup>.

The assistance of the Catholic Church was also an important element for the regime to attempt to curb the ongoing changes in the social and moral order of the society. Indeed, the moral campaign and the fight against urbanization received the full support of the ecclesiastical organizations. Already in the early 20<sup>th</sup> century the Church had condemned neomalthusian practices as a form of conjugal onanism.<sup>80</sup> One year after the Lateran Pact, the promulgation of the encyclical *Casti Connubii* by Pope Pius XI in 1930 summarized the Catholic doctrine on marriage denouncing the intentions of neomalthusians to change the legal form of marriage or to deny its procreating primary purpose. It also disapproved sterility, divorce, female emancipation and suchlike errors of the modern age. The Fascist penal Code delivered the same message to this matter by introducing the article 533 which

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<sup>77</sup> Carl Ipsen, *Dictating Demography. The Problem of population in Fascist Italy*(Cambridge University Press:1996), 5

<sup>78</sup> Ibid. 10.

<sup>79</sup> Bruno P. F. Wanrooij, "Il dibattito sulla morale sessuale nel ventennio fascista." in *Cultura e società negli anni del fascismo* (Milano: Cordani,1987), 543.

<sup>80</sup> Ibid.545.

outlawed any propaganda against birth control.<sup>81</sup> The concepts set out in the encyclical had without doubt a great importance on the formation of moral sense of the Italians during the 30's. The propaganda of these statements was taken care by Catholic organizations with the assistance of the Fascist state. However, the agreement between State and Church in pursuing demographic growth and rejecting birth control practices should be seen as the token of identical views. Intrusion to the private life of the citizens from the side of the State created concerns to the Church hierarchy because national interests did not always coincide with the interest of the faith.<sup>82</sup> In general, the Church attitude can be called prudent in a way that it declared that the religious attitude regarding fertility and birth control must have been separate from the political leaning. This might have signaled a different motivation to seek the same end.<sup>83</sup> As to gender relations, Catholics persisted for a chaste wedlock for both sexes and regarded sexual activity sinful out of marriage, while Fascist saw extra-conjugal sex as naturally associated to male identity and as the manifestation of an abundant virility.<sup>84</sup>

#### ***1.4. Getting to the problem: Homosexuality and Fascism***

As it was stated above, Italian Fascism was systematically pursuing to restore the traditional- patriarchal gender hierarchy, glorifying particularly the hyper-virile and warrior-like masculinity. Its goal (which they could not entirely accomplish ever) was to restore the old balance of the power relations between men and women in the family and

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<sup>81</sup> Alice A Kelikian, "Church and Catholicism" In: *Liberal and Fascist Italy*. ed by Adrian Lyttleton (Oxford University Press:2002), 59-60.

<sup>82</sup> Bruno P. F. Wanrooij, "Il dibattito sulla morale sessuale nel ventennio fascista." in *Cultura e società negli anni del fascismo* (Milano:Cordani,1987), 545.

<sup>83</sup> Carl Ipsen, *Dictating Demography. The Problem of population in Fascist Italy* (Cambridge University Press:1996), 77.

<sup>84</sup> Bruno F. Wanrooij, "Italian Society under Fascism" In:*Liberal and Fascist Italy*. ed by Adrian Lyttleton (Oxford University Press:2002),189.

in society, reaffirming the feminine obligations of exemplary mothers and wives, and excluding women from public sphere in order to prevent the confusion of gender rules to which they often referred as “social homosexuality”<sup>85</sup> Repression of any deviant manifestation of this presupposed gender identity was to be repressed.

The Italian Fascist state-in the framework of the idea of the New Man- set out as one of its mission to defeat homosexuality in order to protect the integrity of the progeny and carry out the reshaping of the nation in a militant way. It might seem that homosexuality did not occupied a central place among the concerns of the regime: the homosexuality phenomenon was basically absent from any sort of public debates, homophobia seemingly played no significant role in the Fascist gender policy.

However, these impressions can be easily contested. Despite the lack of any specific laws issued against the “crime” of homosexuality, the repression of this “sin”, as of other conducts not conforming to the fascistic norms, were basic tools used to pursue the creation a “new society of new Italians”. Even if homosexuality itself was not considered a criminal offense, a significant number of homosexuals were confined and banished in some cases as political prisoners and as ordinary detainees. Confinement would have served the purpose of removing those from society who were considered “guilty” even if evidence did not justify any kind of incrimination.

Patrizia Dogliani observed that The Penal Code Zanardelli worked out after the *Risorgimento* did not make an explicit reference to the punishability of homosexuality.<sup>86</sup> The Penal Code Zanardelli maintained, however, that legislation should not encroach on the

<sup>85</sup> Sandro Bellassai, *La mascolinità contemporanea* (Roma:Carocci,2004), 294-295. Also, Julius Evola, Fascist spiritual thinker, racist, stigmatized these kind of gender relations as “vapid, bland, almost homosexual, where neither male and nor female exist”.

<sup>86</sup> Patrizia Dogliani, *L'Italia Fascista. 1922-1940* (Milano:Sansoni,1999), 282-283.

sphere of morality, but concealment, ignorance of the vice, and censorship would have been the best form of defense against homosexuality. The state chose not to intervene directly: the principles of liberalism interlinked with the unspoken social control of the Catholic Church. Silence was definitely preferred, which transferred homosexuality to the private and religious sphere, until it somehow flared up in activities dangerous to common interests.<sup>87</sup>

Fascism, however, had a natural tendency to interfere in the sphere of morality. In 1928, the preliminary draft of the Rocco Penal Code included article 528 that sanctioned homosexual relations with the penalty of seclusion but this article was never inserted to the final text. The motivation for its omission was to ignore and deny the existence of homosexuality rather than condemn it publicly. The simple mention of its existence would have meant the denigration of the virility of the “New Italian” which would then be impossible to refute.<sup>88</sup> As Dogliani noted, homosexuality was in effect regarded as peripheral to the fascist masculine cult that it could be handled locally by limited authority of police to admonish habitual mis-doers and eventually keep them in house arrest or condemn them to confinement, instead of regulating them by the law.<sup>89</sup>

In reality, two ambiguous attitudes can be distinguished to the introduction of the aforementioned article 528: on the one hand, the will to create a fascistic moral order with the help of a totalitarian state which openly oversees the private life of individuals, and, on the other hand, the tendency to ignore the existence of homosexuality and eventually to return to the old methods of “silent”, ambiguous repression.

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<sup>87</sup> Ibid. 280.

<sup>88</sup> Lorenzo Benadusi, *Nemico dell'uomo nuovo: L'omosessualità nell'esperimento fascista*, (Roma: Feltrinelli, 2005) 147.

<sup>89</sup> Patrizia Dogliani, *L'Italia Fascista*, 284.

As a consequence, the phenomenon of homosexuality became regarded as something marginal like vagrancy and pictured as a sort of debauched sexual practice like prostitution and became a litmus test of passivity in contrast to the exuberant and combatant fascistic masculinity. This perception characterized mostly the fascist period from 1926 to 1937, especially at the local level where police believed that homosexuals were inherently criminal. If some homosexuals were prostitutes or vagabonds, then all of them were. Probably these stereotypes and a traditionally visceral prejudice encouraged authorities to discriminate and persecute. Scrutinizing cases of homosexuals' confinement would demonstrate how these motives-stereotype/prejudice- helped repression at local levels while the government's ideological program (improvement of the national stock) enhanced a universal and fascistic justification. Mosse for example also affirms that Fascism created a subcategory of "asocials" consisting of individuals without "any sense of community". These asocials were usually people on margins, vagabonds, beggars and of course sexual-deviants. They were not member of an inferior race but they displayed the potential danger of undermining the race and nation and lead them into degeneration.<sup>90</sup>

Beginning in the late 1920s and accelerating especially during the mid 1930s, Mussolini radicalized his foreign and domestic policies. With the introduction of racial laws, the confinement of homosexuals accused of "assaulting the dignity of the race" became more fervent.<sup>91</sup> The invasion of Ethiopia in 1935, and the declaration of the Empire certainly strengthened the regime's racial self-confidence. Fascist Italy considered itself nationally superior and dominant over the "inferior" which might have derived partly from their view on healthy heterosexuality and masculinity. This might have been the reason why, in this context, homosexuals became more and more despised. Dario Petrosino stated that as soon

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<sup>90</sup> George L. Mosse, *Fascist Revolution: Toward a General Theory of Fascism* (New York, H. Fertig: 1999), 27.

<sup>91</sup> Enrico Venturelli, *Le parole e la storia* (Bologna: Il Cassero, 1991), 117.



as the Rocco Code entered in force in Italy, the concept of the race became pertinent for the first time, and after 1938 the criminality of homosexuality was perceived in a political context.<sup>92</sup> He stressed that by the late thirties, with the intensification of regime's anti-Semitic views; homosexuality suddenly became visible and regarded as outgrowth of Jewish culture.<sup>93</sup> Also Giovanni Dall Orto insisted that homosexuality became politically problematic when the extension of the race protection laws involved also homosexuals and they became classified from common confinees to political confinees. Introduction of the racial laws of 1938 facilitated the persecution of homosexuals as they could be accused undermining the racial health of the Italian nation. Racism justified this persecution together with the attempt to maintain the masculine ideals untarnished by the imputation of sexuality which was crucially important for fascist self-representation.<sup>94</sup> Dall Orto also points out to the paradoxical nature of this shift: Including homosexuals in the group of punishable for the sake of race protection was certainly paradoxical: defining them inasmuch as “race” meant to recognize their status as a social group as deviants and criminals. This, therefore, contradicted the strategy followed by fascism which was based on Italian juridical tradition which aimed to strike homosexuality off and make it invisible”<sup>95</sup>

The presence of Italian homosexuals in the penal colonies for being “politically menacing” raises many questions on homosexual existence during Fascism and the nature of Mussolini’s regime. Why was homosexuality political for Fascism? Is it possible to consider the homosexuals’ persecution during Fascism as a persecution of a community? Or a

<sup>92</sup> Dario Petrosino, “Traditori della stirpe. Il razzismo contro gli omosessuali nella stampa del fascismo”, in : Alberto Burgio and Luciano Casali. *Razzismo Italiano* (Bologna: Clueb, 1996), 89-107.

<sup>93</sup> Ibid.103.

<sup>94</sup> George L. Mosse, *The Fascist Revolution. Toward a general theory of Fascism* (New York:Howard Fertig, 2000) ,175.

<sup>95</sup> Giovanni Dall Orto, “Omosessualità e razzismo fascista.” in:*La menzogna della razza: documenti e immagini del razzismo e dell antisemitismo fascista* (Bologna, Grafis 1994), 140.

persecution of a certain behavior? Lorenzo Benadusi definitely opposes this presumption claiming that it does not explain the fact that homosexuals were considered to be political confinees from 1936-1939 but appeared on the files as common confinees by 1940. He claims that the confinement of homosexuals was continual throughout the span of the regime and that rather the absence of virility than homosexuality itself was considered to be problem. (In addition, he presumes that only passive homosexuals were sanctioned) He does not point out although to a certain continuity of the positivist anthropological stereotypes which justified and motivated a semi-covert persecution of homosexuals during the Fascist dictatorship.<sup>96</sup> George Mosse's concepts on race and masculinity in Nazi Germany, seem to be more applicable to the case of Italian Fascism. In every European country during the first half of the twentieth century, patriotism meant sexual "normality", and abnormal sexuality was associated with decay and racial defilement. Racism, along with bourgeois respectability, united its power with aggressive nationalism. This tripartite alliance maintained a perpetual belligerence toward those outsiders who were anyhow different from the expected norms. Particularly deleterious were Jews and homosexuals, the "race maudit", as Marcel Proust called them and both of them shared the same (also physical) characteristics: Jews were regarded old, fragile and effeminate and their bodily features were stereotyped in a slightly different way from those of homosexuals. Jews were given specific physical characteristics and measurements to show their divergence from the norm, while homosexuals were limp and thin men in whom unmanly posture, rather than specifically ugly features predominated.<sup>97</sup> Confronting these ideas of the authors we may also explore whether Fascism punished homosexuality

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<sup>96</sup> Lorenzo Benadusi, *Nemico dell'uomo nuovo: L'omosessualità nell'esperimento fascista*, (Roma: Feltrinelli, 2005), 147.

<sup>97</sup> George L. Mosse, *The Image of the man: Creation of Modern Masculinity* (Oxford University Press, 1996.), 70.

specifically “or rather men who had feminine ways” and might have endangered the growth of the population.

## Chapter 2

### Law and homosexuality in Fascist Italy

#### *2.1. Legal aspect of homosexuality in Italy of 19<sup>th</sup> century*

In this chapter, I would like to scrutinize the legal aspects Mussolini's regime towards homosexuals. Also, I would like to provide an historical frame on the conceptualization of homosexuality before the advent of fascism, especially in a legal point of view, to see a presumed continuum from the 19<sup>th</sup> century till the end of Fascism.

During the 19<sup>th</sup> century the repressive norms against homosexuality became consolidated in the modern state orders. Even though homosexuality was not stricken by death sentence, it continued to be considered as an act of crime. In this epoch, medical approach gained space in the public perception on homosexuality. A topic having been dealt as a taboo was destined to face with the new scientific interests.<sup>98</sup> In that epoch, medicals enjoyed great respectability and their presumptions and views were widely acknowledged. Science became of assistance of the Christian morality and together they formed religious-ethic anathema verified by the medical researches. Before, theological method prevailed to approach homosexuality, now the scientist took over the power from priest and confessor and replaced virtue and sin with scientific classification of sane and insane, normal, abnormal, natural, counter-natural.<sup>99</sup> Therefore, homosexuality was no longer defined as a practice that infringed God's law, but a sort of deranged behavior

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<sup>98</sup> Bruno Wanrooij, *Storia dell Pudore* (Roma: Marsilio Tascabili,1991), 15-21.

<sup>99</sup> Ibid. 18.

dangerous to the sanity of the society. The syncretism of religious dictates and medical statements established a kind of alliance between science and faith “transforming theology in a certain form of medical-pastoral science.”<sup>100</sup>

”The conspiracy of silence” which had characterized an earlier approach to abnormal sexual behavior also faded away as science took its place in order to disclose the mysteries of human existence. Medical science tried to identify homosexuality in order to help judiciaries constructing the stereotype of the homosexual. The medical notion, as a matter of fact, created a scientifically testified ground for the biased social perception of homosexuality. <sup>101</sup>Sexuality itself became an over-comprehensive interpretation of general and neurotic illnesses and homosexuality was studied in the frame of medicine, especially medical-criminal anthropology.<sup>102</sup>

As soon as it became an academic discipline in the end of the 19<sup>th</sup> century, anthropology in Italy was mainly based criminal anthropological theories. The close connection between the evolution of general and criminal anthropology can be evidently traced back in the writing of Giuseppe Sergi, Paolo Mantagezza, Enrico Ferri and Scipio Sighele, all assistants and students of Cesare Lombroso. Their theories, together with the studies of Lombroso<sup>103</sup> laid the ground to the racist and homophobic conceptions of Italian Fascism. Lombroso prepared later on scientific foundations for the structuration of Fascistic anti-virile ideas: He sustained a parallel in homosexuality and criminality that both of them were in-generate and derived from congenital, physiological causes.

*“Both homosexuals and inborn criminals have an analog, almost identical pathogenesis. Both of them derive from*

<sup>100</sup> Ibid.20.

<sup>101</sup> George L, Mosse, *Sessualità e nazionalismo. Mentalità borghese e rispettabilità*(Roma: Laterza,1996), 31.

<sup>102</sup> Ibid.21.

<sup>103</sup> Cesare Lombroso,“Sulla omosessualita e criminalita innata”.*Archivio di psichiatria*. XXVII (1906), 378-381.

*epileptics, neurotics, mentally freak or elderly parents, even if among inborn criminals there is a major group with alcoholic parents”.*<sup>104</sup>

Therefore, in a Lombrosian point of view homosexuality became considered as a “deformity via illness” curable by different practices and medicaments, rather than deliberately chosen immoral act. Scipio Sighele shared a same point of view with Lombroso. In his work “*La coppia criminale*” (The criminal couple) published in 1895, he reflects on homosexuality as the “most degenerate and foulest union where two individuals comes together to commit a crime.”<sup>105</sup> Sergi expressed also expressed similar standpoints in one of his works “*Le Degenerazioni Humane*” (Human degenerations) explaining almost in Dantean terms how “criminals should be classified according the nature of their crime.”

*“I would like to classify criminals in three categories: Murderers, violators, and thieves. Among the rapists various subcategories can be distinguished: rapists, pederast rapists, and murderer rapists.”*<sup>106</sup>

Sergi, Lombroso and Sighele claimed homosexuality to be the consequence of a kind of evolutionary stoppage. For them promoting positivist criminology was a sort of vocation: Establishing determined and simplified categories of delinquents they intended to defend the fragile, newborn Italian nation from disintegration caused by groups of degenerates. Lombroso's studies on phrenology, and physiognomy endeavored to help the crime prevention by recognizing criminals even in advance that the crime would have been committed.

The degeneration theory, which explained and justified the difficulties of a virile renewal, will be the base of the nation states' commitment to focus attention to topics considered to

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<sup>104</sup> Ibid.378.

<sup>105</sup> Scipio Sighele, *La Coppia Criminale. Studio di Psicologia Morbosa* (Torino: Bocca, 1897), 43.

<sup>106</sup> Giuseppe Sergi, *Le degenerazione umane* (Milano: Dumolard. 1890), 105.

be offensive.<sup>107</sup> The degeneration theory was utilized also by racist conceptions.

Stereotyped representations of sexual degenerates were almost entirely modeled on that of those inferior races who provoked the same fears within the society. The idea, that these races are total lack of morality and self-discipline was widespread in the everyday consciousness: To races of African origin and to Jews, excessive sexuality was attributed in which the so-called "feminine sensuality transformed physical love to sickly lustfulness. Jews possessed effeminate features and were frequently juxtaposed to homosexual effeminacy.<sup>108</sup>

Medical development and identification of sexual abnormalities helped to develop the conviction that deviancy endangers the social sanity, and encouraged the aggravation of penalty against homosexuals. The scientific preoccupations with deviant sexuality were to be inserted in the broader perspective of nation's social hygiene. By the development of the ideas of masculinity, the fear of a homosexual-degenerative drift became more accentuated: from the end 19<sup>th</sup> century we can see a legislative tendency to sanction homosexuality.

## ***2.2. From the Code Napoleon to Code Zanardelli***

For clarification, here I would like to demonstrate how homophobic repression characterized the united Italy. This country from this point of view proves to be a special case: In Italy in the course of 19<sup>th</sup> century, the homophobic legislation had its own specific features. The homosexuals' repression had been happening in a subtle and underhanded way, especially because it was not based on explicit penal regulation.

The Risorgimento had united several states which all canceled punishments against

<sup>107</sup> Giovanni Dall'Orto, *Omosessuali e Stato* (Bologna: Cassero, 1988), 30.

<sup>108</sup> George L. Mosse, *Sessualità e nazionalismo. Mentalità borghese e rispettabilità* (Roma: Laterza, 1996), 40-41.

sexual acts between males as a result of the Code Napoleon.<sup>109</sup> The introduction of the Code Napoleon of 1804, (before the Risorgimento), which sharply divided religion and rights, had a great impact on the approach to sexuality, individual liberty, and the private sphere, in which the State could intervene only in the case of assault against others' free will. However the vice of homosexuality still remained to be considered so detestable and full of shame that it was even embarrassing to talk about it let alone incriminating it.

<sup>110</sup>Giovanni Dall'Orto notes that not including homosexuality to punishable criminal acts “was indeed a pioneering decision and clashed with the prevailing Western attitude towards homosexuality, where homosexual practices were considered to be crime and could be punished severely.”<sup>111</sup>

Kingdom of Sardinia made an exemption and still punished homosexuality under articles 425 of the Penal Code promulgated in 1859 by Vittorio Emanuele:

*“Any libidinous act against nature, if committed by force in the circumstances provided by articles 489 and 490 will be punished by not less than 10 years of seclusion which can be extended to forced labor. In case the act was not committed by force but led to a public scandal it will be punished by 7 years of seclusion according to various cases.”*<sup>112</sup>

It can be seen that the sentence here is clear: The Sardinian penal code punished counter-natural libidinous acts in cases of violence, scandal. However, Italy was divided not only to different states but to different legislative orientations. This problem intensified at the time of unification and took a reverse turn: In the preparation of the new law apparatus of the Kingdom of Italy, the code of 1859 was extended to other regions, albeit with certain

<sup>109</sup> Lorenzo Benadusi, *Nemico dell'uomo nuovo: L'omosessualità nell'esperimento Fascista* (Roma: Feltrinelli, 2005), 98.

<sup>110</sup> Ibid. 100

<sup>111</sup> Giovanni Dall'Orto, *Omosessuali e Stato* (Cassero, Bologna 1988), 37.

<sup>112</sup> *Codice penale per il Regno Sardegna*, (II) titolo VII. 1859. - "Dei reati contro il buon costume" art. 425.



amendments. Among these amendments it was exactly the article on “counter-natural libidinous acts” which went abolished at the southern regions. Therefore, by 1889 we have to see a paradoxical situation: In the north, homosexual relations were punished between consenting adults, whilst in the South these behaviors became all depenalized.<sup>113</sup> Basically, by this step, the cultural difference of south, which considered homosexual relations normal-especially during adolescence, went recognized.<sup>114</sup> <sup>115</sup> Such a peculiar legal situation which meant that homosexuality was regarded illicit at one part of the kingdom, yet legal in another, had to be resolved. The promulgation of the Code Zanardelli, which depenalized homosexuality on the whole national territory, gave a solution to this ambiguous situation. The Penal Code Zanardelli inaugurated in 1889 did not refer in a direct manner on the penalizability of homosexuals.

Hereby I provide an excerpt from the draft of Code Zanardelli which sharply highlights the approach to the topic of homosexuality that epoch, an approach which will clearly be similar in the Fascist Italy.

#### First Civil Code of the Italian Reign/monarchy (1887)

##### *Title VII. Crimes against public morals and family order.*

*“As the Tuscan penal code, the project sums up in an only title, the crimes against public decency and the families' order. The aim for this is to avoid mis-classification of certain kinds of crimes, especially when it comes to crimes which could be mis-interpreted for the harm they cause, and hence considered as different crimes.*

*Examples of this category are: rape, pedophile acts, and cheating, which at the same time break both decent morals and the families' order. In trying to decide which crimes to include in this title, the*

<sup>113</sup> See: Dario Petrosino „Omosessualità e diritto: un percorso tra storia, modelli culturali e codice in Italia” in *Rivista di Sessuologia* vol.2, (1992), 150-162.

<sup>114</sup> See: Dario Petrosino „Omosessualità e diritto: un percorso tra storia, modelli culturali e codice in Italia” in *Rivista di Sessuologia* vol.2, (1992), 150-162.

<sup>115</sup> Strangely enough, this difference in perceiving homosexuality will turn to be just the contrary during fascism with the infamous case of the Catanian round-up, which was exceptional during the history of homosexuality in Italy.

*present project is inspired by the fundamental concept that is, if on one hand it is very important to severely repress/condemn those crimes that can cause harm to families or that are against the public morals, on the other side one has to make sure the legislator doesn't not get involved too much into morale issues. As a consequence, the penal sanctions of the project are not going to punish all the crimes indistinctly against the good morals and the families' order, but the crimes that will be sanctioned are just those who imply the use of violence, offense, fraud, or scandal because they actually go against the social interest. Hence, crimes with different features won't be part of the title, because the investigation upon them would go beyond the legislative work".<sup>116</sup>*

It might be more than surprising, why the Penal Code Zanardelli depenalized homosexuality. However, it cannot be claimed that, all this was due to negligence of the phenomenon, but rather to a certain attitude of the government towards homosexuals: Germany<sup>117</sup> and Great Britain<sup>118</sup> had already introduced explicit laws against homosexuals, and they had to face with scandals like the Oscar Wilde case or that of Alfred Friedrich Krupp. At the same time, the protest against these laws encouraged pioneers to fight for the rights of homosexuals giving more publicity to their issue.<sup>119</sup> The explicit repression, in these countries, in fact, paradoxically represented a sort of perverse recognition of homosexuality: something which could have been fought against.

The Italian law makers, however, preferred to choose the path of “occultation”, what

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<sup>116</sup> Camera dei Deputati, *Progetto del Codice penale per il Regno d'Italia e disegno di legge che ne autorizza la pubblicazione* vol.1.Relazione ministeriale; (Stamperia Reale:Roma 1887),213-214.

<sup>117</sup> “Section 175. “Unnatural fornication, whether between persons of the male sex or of humans with beasts, is to be punished by imprisonment; a sentence of loss of civil rights may also be passed.” *Version of May 15, 1871* ([http://en.wikipedia.org/wiki/Paragraph\\_175](http://en.wikipedia.org/wiki/Paragraph_175))

<sup>118</sup> 48-49 Vict. c.69, 11:Any male person who, in public or private, commits or is party to the commission of, or procures or attempts to procure the commission by any male person of any act of gross indecency with another male person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years, with or without hard labor" See: *Labouchere Amendment* 1885.( [http://en.wikipedia.org/wiki/Labouchere\\_Amendment](http://en.wikipedia.org/wiki/Labouchere_Amendment))

<sup>119</sup> .In the 1860's with an innovative theory of the origin of homosexuality that saw it neither a sickness nor a sin, the German lawyer Karl Heinrich Ulrichs became an outspoken defender of its practice. He also addressed a congress of German jurist demanding the decriminalization of homosexual behavior but he was shouted down. After his death Magnus Hirschfeld resumed the fight against anti-sodomy laws. Hirschfeld went on to establish the Institute of Sexology in Berlin which was later closed down by the Nazis.

Giovanni Dall'Orto calls using the term of Herbert Marcuse “repressive tolerance”.<sup>120</sup> The Penal Code Zanardelli claimed that legislation should not have invaded the field of morality, but concealment, ignorance of the vice, silence and censorship would have been the best form of defense against homosexuality.<sup>121</sup>

This silence blocked the way of the development of a movement of homosexual rights as it diverted the attention from the repression. This “cover-up” strategy led to the making of a certain “unwritten pact” among the state and homosexuals<sup>122</sup> which will be violated during the years of Fascism.

### ***2.3. The problem of Rocco Code and homosexuality***

Fascism was not shy when it was about to invade privacy. It aimed to organize and regulate everyday life. A person's private conduct became the measure of ideological faith, and conformity to the Fascistic morals was indispensable to enhance the image of the ideal militant.<sup>123</sup> Fascist propaganda sought to spread an image of aggressive masculinity exalting youth, physical education using even the iconographic representation of the Duce's publicly exposed body as the model of virility,<sup>124</sup> Public education of the youth aiming to “resurrect” the heroic Italian, was meant to build up a wall against foreign-o-file trends which were seen as responsible the gradual feminization of men.

If we try to picture the Italian society before Fascism, we might say that the private sphere had been mainly controlled by the Church, and during the late 19th and early 20th century became increasingly under the focus of science, medicine and the state. The first half of the 20<sup>th</sup> century attests a huge upsurge of homophobia, which turned up as a

<sup>120</sup> Giovanni Dall'Orto, *Omosessualità e razzismo Fascista* (Bologna, Grafis:1994),144.

<sup>121</sup> Ibid. 145.

<sup>122</sup> Dall'Orto, Giovanni, *Omosessuali e Stato* (Cassero:Bologna, 1988), 23-24.

<sup>123</sup> See: George L. Mosse, *Nationalism and sexuality : middle-class morality and sexual norms in modern Europe* (Madison: University of Wisconsin Press,1988)

<sup>124</sup> Lorenzo Benadusi, *Nemico dell'uomo nuovo* (Milano, Feltrinelli:2005), 22.

reaction for the rapid arrival of modernity. According to George Mosse, this phenomenon became more underlined, since there was the need for order and solid standards which would have served as a compass to orientate in that chaotic situation. Order and solid standards also were deeply rooted in the “canon of bourgeoisie respectability” and brought a growing control to the life of the citizens censuring even private aspects of their life.<sup>125</sup>

In fact, Fascism had a strong proclivity to intervene in the privacy of its citizens. The individual shall have been submitted to the necessity and morality of the state which needed to be regarded as an ethical institution which separates strictly the “good and the bad”. Fascism also attached a great importance to moral and spiritual education of the younger generation, claiming it one of its essential and unalienable functions.<sup>126</sup> As Alfredo Rocco, jurist and Fascist politician and Italian Minister of Justice argued in t 1925 when he became the Minister of Justice in Italy:

*“The State is not only a legal organism but also an ethical one. It must be the guardian of the public morals. It must take care of the mental and physical sanity of her citizens. In the name of this high responsibility the State must fight against any falsehood, corruption and any forms of deviation and degeneration of the public and private morals.”*<sup>127</sup>

With the emergence of the „ethical state”, morality and politics merged, and as a result it paved the way to a more severe treatment of any sexual behavior different from the normal. Moreover, an important part of the new Italy’s endeavors was the population growth which, aimed to enhance the value of the family in which man and women have the clear roles which serve procreation, and to exhort marriage as the the sacred core of the Patria.

<sup>125</sup> See:George L. Mosse, *Nationalism and sexuality : middle-class morality and sexual norms in modern Europe* (University of Wisconsin Press:1988)

<sup>126</sup> Giovanni Bevione, “Chiesa, Stato ed educazione giovanile.” In: *Gerarchia*. N. 4. (1928), 263.

<sup>127</sup> Alfredo Rocco, Speech delivered in 16th May 1925.in Benadusi, Lorenzo. *Nemico dell uomo nuovo: L'omosessualità nell esperimento Fascista* (Milano:Feltrinelli, 2005),125.

*“The healthier the family is, the more precious its contribution to the State and to the nation..healthy unions deliver healthy and strong offspring, therefore they meliorate the society and the race. Unhealthy unions however are harmful for the community propagating and disseminating the bad. They undermine the race, deteriorating it physically and morally. Therefore, the State needs to intervene.”<sup>128</sup>*

Homosexuality, as it clearly can be seen, had no role in such a society, and its display was considered threatening towards to stability of the Italian family. Therefore, it might not sound surprising that in 1927, the preliminary draft of the Rocco Penal Code included a hypothesized article, namely article 528 which would have been on homosexual relation and its penalty of seclusion.

The proposal of a anti-homosexual law can be understandable if we consider the liberal concepts of the “classic school”of already out of the the streamline of criminal law. The classic school, based on the theories of Jeremy Bentham and Cesare Beccharia philosopher of Enlightenment, had been the conceptual basis of the criminal law making in the pre-<sup>129</sup> Fascist epoch in Italy. Separation of morals from law and the importance of individual's liberty prevailed in theory in the liberal lawmaking. Beccharia and Bentham shared the same views claiming that the criminal must be treated as a sensible subject with capability to reason. Beccharia, fascinated by the rationality of the Enlightenment ideas produced his highly influential *opus magnum*, the *Dei delitti e delle pene* ( Of crimes and punishments), in which he challenged the irrationality, inequality and ad hoc nature of the sentencing system, and put forward the idea of punishment on an equal basis.<sup>130</sup> “*Other wise-he said- what is the political end of the punishment? The terror of others?*”<sup>131</sup> Among the

<sup>128</sup> Roberto Bompiani, *Eugenica e stirpe.* ( Roma, L. Pozzi :1930), 74.

<sup>129</sup> Ornella Vocca. *Evoluzione del pensiero criminologico. Da Cesare Beccharia a Codice Zanrdelli* (Facolta. Giuridica. Universita di Napoli:1985), 115.

<sup>130</sup> Daniel Pick. “The Faces of Anarchy: Lombroso and the Politics of Criminal Science in Post-Unification Italy” ,*History Workshop*, No. 21 (Spring, 1986), 72-73.

<sup>131</sup> Cesare Beccara.*Dei delitti e delle pene.* (Parigi: Stamperia di G. Tastu, 1828), 40.

major theorems of the “classic school” the principle of *nullum crimen sine legge* (There is no crime without law) is worthwhile to be mentioned as it emphasizes that the person can not be punished for something which had not been criminalized by the law beforehand.

The liberal ideas of the classic school of penology during Fascism became substituted by the only principle of social defense. This transformation regarding the function of law was the result of a convergence of thought on social defense pursued by the legacy of Lombroso's criminal anthropology.<sup>132</sup> The draft of art. 528. contained the following measures:

*“Anyone who performs libidinous acts on someone of the same sex or exposes himself to such acts and his behavior leads to public scandal will be punished with imprisonment from 6 months to three years. Imprisonment can last from one to 6 years if the perpetrator is above 21 years and commits the act on a minor or engaged in homosexual activities on a regular basis or for profit”.*<sup>133</sup>

To consider this article to be included in the new penal code, it was Giovanni Appiani the head of the ministerial commission, who tried to make an attempt to justify its insertion and argue that the anti-homosexual law attempts to protect the “moral health of the stock”:

*“This article is an exhaustive reaction to the new Fascistic orientation, and inspired to be a more effective protection of the physical and moral sanity of the race. Loosening of customs caused by the war and deteriorated in the post-war period lead to consideration of having recourse to new and more effective means of defense against various forms of immorality and obscenity which might lay a wicked trap for the spirit of the new generations. Today, the Fascist state needs to prevail on the individual’s*

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<sup>132</sup> Enrico Ferri, Italian sociologist criminalist, disciple of Lombroso, founder of positivist school, editor of *Avanti* was one of the main representatives of the Lombrosian legacy. See: Piero Nuvolone. “Lombroso e il diritto penale” in *Rivista Italiana di Diritto Penale* (1977) I. 12-14.

<sup>133</sup> *Progetto preliminare di un Nuovo Codice Penale*, (Tipografia delle mantellate: Roma, 1927), 206.

*ethics...*<sup>134</sup>

At some point Appiani added: *Homosexuality arises from exogenous factors and holds a mesogenic nature, therefore needs to be considered as case for incrimination...*<sup>135</sup>

Alfredo Rocco also toughened this stance saying:

*“In the case of delinquents whose tendencies to commit crime are not manifested in intellectual disturbances, but in alteration of normal social and moral sense, it is hard to define inherecy. These types of delinquents are often categorized as morally insane ones, sometimes as degenerates or moral idiots. However, I am convinced that these categories are not adequate to apply to inborn criminals who should be punished by downright penalty...”*<sup>136</sup>

This article, however, has never been inserted in the final text. The Fascists failed to accept legislation explicitly making homosexuality an illicit act. After a warm welcome, the commission turned cold shoulders to the proposal: Decisively but somewhat in a forced manner they stated that providing for this crime was not necessary at all, since Italy was in that fortunate situation of having this repugnant “vice” not disseminated so much to justify an legal intervention. “Giovanni Appiani, here, represents a directly opposite stand in comparison to his aforementioned earlier one:

*“Provision for this misdemeanor is not really necessary because fortunately in the proud Italy this nefarious vice is that widespread to merit a legal intervention. In certain cases we have to turn to applications of more severe sanctions related to sexual violence, child abuse, or offense against decency, but it must be noted that habitual and professional pursuers of the vice are very rare in our country. Moreover, if they exist sporadically, they are*

<sup>134</sup> Lavori preparatori del Codice penale e del Codice di Procedura Penale, Testo del Nuovo Codice di Procedura Penale con la Relazione a Sua Maestá il Re del Guardasigilli (Rocco) ed. (Roma alla Tipografia delle Mantellate:1930 )Vol.I. Part. 1.394-95.

<sup>135</sup> Lavori preparatori del Codice penale e del Codice di Procedura Penale, Vol.I. Part. 1.397.

<sup>136</sup> Lavori preparatori del Codice penale e del Codice di Procedura Penale, Vol.I. Part. 1.397.

*influenced by a foreign setting which is absolutely alien from our culture”.*<sup>137</sup>

Alfredo Rocco himself explained the disapproval of the bill by the following statement:

*“The reform was the object of almost complete hostility. The main opposing argument was that the depraved vice was not so common in Italy to need legal intervention. The latter must occur only if criteria of absolute necessity are fulfilled: therefore new types of crimes cannot be justified unless the law-maker finds himself in front of forms of immorality that thrive in the social framework in an alarming manner. And this, fortunately, is not the case in Italy with the afore mentioned vice. These reasons, against the criminalization of homosexuality, convinced me and in the final draft I suppressed the disposition”*<sup>138</sup>

Therefore homosexuality did not become official considered to be crime by the new penal code. Rather, due to its *degenerative, amoral, deficient nature* it was to be seen as object of studies to which preventive measures should have been applied, instead of downright penalty.<sup>139</sup>

Although, as it could be noted before, the proposal for an article criminalizing homosexuality, had also partly been welcomed. Therefore, bifurcating stances on it need to be distinguished: On one hand, the Fascists wished to create an integrated state with the based on purity and their own morals, which keep under surveillance the private lives of its citizens and does not tolerate any degenerations. On the other they tended to turn a blind eye on the issue of the “wicked habit” and by this to reinforce the concept of the “pure Italian race” and to return the good old methods of effective and silent repression.<sup>140</sup>

<sup>137</sup> Lavori preparatori del Codice penale e del Codice di Procedura Penale, Vol.IV. Part. 1. 377.

<sup>138</sup> Relazione Ministeriale sul progetto di Codice Penale, II, 314 cited in *Trattato di diritto penale italiano*, UTET, Torino, 1936 2.nd.218.

<sup>139</sup> Lavori preparatori del Codice penale e del Codice di Procedura Penale, Vol.I. Part.1.204.(Alfonso de Blasio. Relazione sulla riforma di Codice Penale. Senato del Regno.

<sup>140</sup> Giovanni Dall Orto, *Omosessuali e Stato* (Cassero:Bologna,1988), 28.



Moreover, it is probable that the importance on public visibility was one of the reasons which led editors of the new penal code not to introduce any rule against homosexuality. Pronouncing its name would have meant to taint the proud and pure Italian blood. Effeminacy if made public befouled masculinity, the pillar of the whole Fascist society. The regime payed much attention to the facade: the public awareness of someone's homosexuality was regarded equal to the display of effeminacy.

An other possible reason for the objection of article 528 might have been that law makers considered to enunciate the "name of such act" or make a clear stance about it would have encourage of its spread. As Amedeo Dalla Volta medical criminologist stated:

*"It is noted that in those countries where there is incrimination against it, homosexuality perseveres and gets surrounded by the dangerous halo of publicity which contributes to its spread among the predisposed ones.."*<sup>141</sup>

About certain things the less is spoken the better: Therefore non criminalizing homosexuality was not the result of a tolerant attitude but rather of a strategic approach. At the same time the Fascist made a clear self-distinction from the other democratic and decadent states in Europe like France, Germany and England .Since the stereotype that decadency was a synonym of extravagance, violence, and lust homosexuality was seen as a concomitant with all those foul vices. Fascist Italy clearly distanced itself from this phenomenon alien from its own culture.<sup>142</sup>The "moral battle of Fascism" saw its mission in "not following the examples of depraved and nefarious cosmopolitanism of London, Paris, and Vienna"<sup>143</sup>As Alberto Monti, Fascist journalist argued in his article in "Costruire":

*"In Rome, dance halls, erotic magazines, cocaine, and "maisons de passe" are so terribly*

<sup>141</sup> Amadeo Dalla Volta "Una associazione a delinquere nel reato di violenza carnale contro natura, in *Zacchia*" *Rassegna di studi medico legali*", VIII 1929, pp. 1-12. cited in Circolo Pink. *Le ragioni di un silenzio* (Ombre corte: Verona, 2002), 165.

<sup>142</sup> Dario Petrosino, Traditori della stirpe. Il razzismo contro gli omosessuali nella stampa del Fascismo. In: A. Burgio e L. Casali *Studi sul razzismo italiano*, ( Il Mulino: Bologna 1996, ),102-103.

<sup>143</sup> Alberto Monti , "La battaglia morale del Fascismo". In *Costruire*, n. 6.(1927),15-16.

*unfashionable, and just like Malthusianism, divorce and, God forbid, pederasty, with all those decadent trends from abroad, did not plant a root in our sane and pure Italy*<sup>144</sup>

An other important voice against the introduction of the article 528 was Aldo Mieli's "Italian pioneer of sexual liberation". In his article published in the Review of Sexual Studies ( Rassegna Degli Studi Sessuali) he fervently went against proposition of the article's insertion:

*“Even if the article will be inserted it will not decrease homosexual acts. It seems also that it can lead to heavy injustices since public scandals can be easily proved in small places, while in big cities they would be impossible to be proofed. Such a disparity would not be likely to increase the prestige of the law...Besides, if we take into account the second part of the proposed article, which provides penalty aggravation to those who are habitually committed to homosexual act, we can encounter serious difficulties to establish regularity. Furthermore congenital homosexuality in fact deserves not as severe punishment as homosexual acts committed out of perverse curiosity..”*<sup>145</sup>

The new penal code came into force in 1931 contained a wide range of measures to sustain the national hygiene and these were inserted under a new rubric: Crimes against integrity and sanity of the stock. Positivist influence can evidently be seen at the section of the new penal code regarding these security measures. These security measures could be applied to “socially dangerous persons”, even if they were free of guilt, but by “having criminal tendencies they can impose danger on public morals and social order.”<sup>146</sup> The new title of the Rocco Penal Code encompassed specific articles on crime of syphilis and gonorrhoea

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<sup>144</sup>Ibid. 15.

<sup>145</sup> Aldo Mieli. “Intorno ad un articolo del progetto del nuovo codice penale” In: *Rassegna degli Studi Sessuali*. n.6.(1928),211-212.

<sup>146</sup> Alfredo Rocco. *Relazione del Ministero della Giustizia e degli affari di culto. Lavori preparatori del codice penale*. Vol.I. Atti della legge. n. 2234.(1925),19.

contagion, on acquired infertility and articles against abortion. Homosexual rape, abuse of minors were under this title and naturally they were punishable. According to Alfredo Rocco:

*“The legislative reform must provide against of certain problems of sexual morality. The provisions are integrated part of our active political demography which is aimed to secure the sanity of the race and reinforce its strengths. They constitute a sufficient defense against the prominence of the bad.”<sup>147</sup>*

The regime's almost obsessive attention to the topic of population growth and the protection of the stock's health and integrity was not in contradiction the decision to depenalize homosexuality and it neither meant disinterest from the part of the state towards this behavior. The regime was convinced that the “strategy of concealment” (or cover-up) was the most effective means for repressing pederasty.<sup>148</sup> Positivism was a fundamental doctrine which characterized Fascist laws. It represented one of the main flows which had an impact on the formation of Fascist ideology. The debate on article 528 can be seen as the proof that the positivist teachings had a great and consistent influence on Fascist legislation. Even though, Mussolini refused officially materialism and socialism in favor to action, will and spirit, his regime maintained close relationship with positivist criminology.

#### ***2.4. Contesting the law: Aldo Mieli, and the “Rassegna degli Studi Sessuali”***

To take in account the existence of a nascent movement or a critical group, here I would like to introduce the persona and activity of Aldo Mieli, (known also by pseudonym

<sup>147</sup> Roberto Mangini, Federico Gabrieli e Ugo Consentino , *Codice Penale*. (Roma:Colombo,1930), 432

<sup>148</sup> Lorenzo Benadusi, *Nemico dell uomo nuovo: Lomosessualità nell esperimento Fascista*, (Milano:Feltrinelli: 2005),122.

“Proteus”) sexologist, science historian “a pioneer of gay liberation movement”. His activism on the field of sexual liberation was immanently intertwined with the *Rassegna degli Studi Sessuali*” which he founded in 1921 and was its chief editor till 1928. The “Rassegna” was born as a part of European scientific researches on homosexuality and was strongly inspired by the theories of Eugen Steinach, pioneer of endocrinology. Steinach identified the origin of homosexuality in a hormonal abnormality, suspecting an increased amount of female hormones. In scientific circles endocrinology gained popularity opposing positivist theories of Lombroso and Enrico Ferri. The “Rassegna” gave space to topics related to homosexuality as the it was shown by the long article written by Magnus Hirschfeld, (best-known homosexual activist of the epoch) already in the first issue. In his article on “Sexual Reform on Scientific Basis” (*Riforma Sessuale su Base Scientifico*)he expressed his hope for an eventual sexual reform, and claiming sexuality to be one of the highest human rights<sup>149</sup>. He also, called into question the false sexual morality of the epoch as “deeply constitutive of bourgeois notions of respectability and the integral part of developing nationalism.”<sup>150</sup>

*“There is an enormous number of victims of sexual persecution based on false morality, superstitions and non-scientific foundations. Starting with illegitimate children to come to those who can only escape by suicide from the consequences of their sexual predisposition of which they cannot be blamed....Down with false morality, down with sexual deception!”<sup>151</sup>*

<sup>149</sup> Magnus Hirschfeld ,”La riforma sessuale su base scientifica” Discorso d'apertura del 1. Congresso per la Riforma Sessuale ( Opening speech of the 1<sup>st</sup> Conference on Sexual Reforms) in: *Rassegna degli Studi Sessuali*,n. 1. (1921),4.

<sup>150</sup> George L.Mosse. *Nationalism and Sexuality*, 2-10.

<sup>151</sup> Magnus Hirschfeld .”La riforma sessuale su base scientifica” Discorso d'apertura del 1. Congresso per la Riforma Sessuale ( Opening speech of the 1<sup>st</sup> Conference on Sexual Reforms) in *Rassegna degli Studi Sessuali*,n. 1. (1921),6.

During the twenties the “Rassegna” became representative of all those who endeavored to introduce in Italy the lively debate of sexual liberation which was taking place in this epoch abroad especially in Germany. Till Aldo Mieli's forced exile the “Rassegna” could be considered as the only public stage where the question of homosexuality could be discussed. Therefore, it was also a place where counter-stream, scientific viewpoints on morality and sexuality, defense of individuality and diversity could be put forward. The antithesis of the efforts which Fascism made to establish a “harmonious collectivity” was clearly expressed in one of the seminal essay of Aldo Mieli/Proteus, in “Morality and Sexuality” (Moralita e Sessualita):

*“I have heard someone to say that normal sexual behaviors are moral, but the abnormal ones are immoral. To analyze the philosophic relationship in between morality and sexuality is beyond my competence...But if I examine the above mentioned claim by scientific angle I don't manage to find it satisfactory. First of all because deviations, abnormality are composed of biological variants and organic anomalies: In brief, I cannot see how these phenomena can be qualified by term like moral or immoral. Can a healthy individual more moral than an ill one? Moreover to be able to judge what normal or abnormal sexuality is, it is necessary to have clear concepts on sexuality itself...We must fight against all prejudices and categories with a relentless propaganda for the interest each individuals....”*<sup>152</sup>

As it was mentioned earlier the preliminary draft of the Rocco Penal Code of 1928 proposed the inclusion of a specific norm against homosexual acts, the article 528. A ministerial commission put the article under scrutiny with the help of judiciary committees and experts from the Faculty of Law. Mieli's article the “Morality and Sexuality” (1923) seems to be

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<sup>152</sup> Proteus. “Moralita e Sessualita” in *Rassegna di Studi Sessuali*. n. 4, (1923,), 333-337.

extremely relevant in 1928 when the regime is in the midst in developing its means of repression. Going against the stream, Mieli based his reasoning on the assertion that homosexuality as a sexual inversion is nothing else than a way how nature expresses itself, an individual hormonal manifestation. Contesting the foundation of moral convention he claimed:<sup>153</sup>

*“Homosexuality is a simple variation of certain somatic characteristics therefore they can be neither moral nor immoral. Homosexual acts merely go beyond the domain of morality. They must not be judged on a moral base.”*

Since the Rassegna was a sort of haven for homosexuality being discussed without considering it *per se* a bad thing to be cured, corrected or fought against. No wonder, therefore, that it ended up becoming an island incapable to defend itself from the growing Fascist tide which attempted to wipe out even the mentioning of homosexuality.<sup>154</sup>

This predilection of Fascism was rather operating silently and effectively than fighting openly: when it was necessary the regime utilized police measures. In the end of the 30's the usage of repressive tools homosexuals radicalized.<sup>155</sup> Those ones of common confinement shifted to political confinement with the introduction of antisemitic and racial laws. The “common nature” of homosexuality as a “crime” became reclassified as political. The introduction of Rocco Code indicated in fact a qualitative change in the materia of crimes against morality: The theory of the race became recognized for the first time in an official way in Italy.<sup>156</sup>

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<sup>153</sup> Ibid.337.

<sup>154</sup> Benadusi, *Nemico dell uomo nuovo*.70.

<sup>155</sup> Dario Petrosino., “Traditori della stirpe. Il razzismo contro gli omosessuali nella stampa del Fascismo.” ( Il Mulino, Bologna 1996,) , 90.

<sup>156</sup> Ibid.93.

## Chapter 3

### Italian Fascist state against homosexuality: Confinement and repression

In this chapter, the tools of the Italian Fascist repression particular, the institution of confinement, and the confinement of homosexuals will be examined. Hundreds of ordinary citizens were sent into confinement just because of their homosexuality. The “lucky” ones went through “only” the trials of *diffida* (warning) *ammonizione* (probation) but these measures very often ended up sending the *diffidati* and *ammoniti* to confinement. Recent popular, political discourses and academic presumptions (mainly in Italy) picture confinement as a mildly repressive instrument which targeted to “set aside” exclusively political adversaries.<sup>157</sup>

The aim of this chapter would be to demonstrate that confinement was a cruel and sufferance -imposing totalitarian tool of the Fascist dictatorship not only to strike political opponents, but also those ones who by nature or comportment did not or could not meet the regime requirements.

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<sup>157</sup> See: Mario Cervi Italian historian and journalist. *Il Giornale*, 2003.sept.20. “I do not intend to rehabilitate Fascism. I just want see through on history with a common sense instead of with futile passion or political calculations. I agree that confinement perhaps general was not like to be in a holiday resort. But it was indeed similar to vacation if we compare it to Stalinist Gulag or Nazi concentration camps!

Or:Giordano Bruno Italian historian reaction to Gianfranco Fini's defining Italian Fascism “the absolute evil”. *Il Giornale* , 2003. Nov.30 “Rejecting Fascism and Mussolini and calling them absolutely evil is politically and historically nonsensical. Saying that Fascism was absolutely evil implies that the Country the State, family, religion, national pride and sentiments are also absolutely evil. Therefore it is inappropriate to apply the word “absolute evil” to a political system, because it applies only to Satan.

Or: Silvio Berlusconi Prime Minister of Italy. *The Guardian* ,2003,Sept. 12 ”Mussolini did not kill anyone. Mussolini sent people to confinement to make them have a holiday”

### ***3.1. Historical origins of the confinement in Italy***

To understand better the operation of the Fascist confinement system and consequently the confinement of the homosexuals, it would be relevant to see its origins which date back to the post-unitarian liberal period of the Italian history. These origins represented important precedences to Fascism, from which it derived the design of his own repressive apparatus.

Therefore, the institution of confinement was not the invention of the regime but had its precedence in *domicilio coatto* (Enforced Residence) established right after Risorgimento in 1863 by the liberal regime. Originally the *domicilio coatto*- as it was called officially that time -was introduced by the Pica Law as a means against common crimes especially banditry and group brigandage. The new born state had to conduct a series of public order operations. One of its striking features of these operations was the detention in remote, and islands thus removing the offender from the social circulation. In its early phase this measure rather served to defend the state's embryonic and fragile integrity than oppressing political opponents.<sup>158</sup> In 1865 the institution merged with the Consolidation Act of Public Security<sup>159</sup> of the Italian Kingdom and entered fully into ordinary legislation. Beginning with the Umbertian period (late 1870') it had been confirmed by myriads of laws and decrees in order to extend its implementations on common criminals, and already on political opponents like anarchist and on socialist-especially in the last decades of the 19<sup>th</sup> century.<sup>160</sup> Thus, already then, it had dual functions of social control and

<sup>158</sup> Lucy Riall. *Sicily and the Unification of Italy: Liberal Policy and Local Power 1859-1866* (Oxford University Press: 1998),157-159.

<sup>159</sup> *Testo Unico di Sicurezza Pubblica* brings together various laws that already exist into a single piece of legislation. (TUPS in Italian abbreviation. In this chapter I will use the English abbreviation:CAPS)

<sup>160</sup> Mimmo Franzinelli, "Confino di Polizia." *Dizionario del Fascismo. Vol. I.* Ed by : Victoria de Grazia and Sergio Luzzatto.(Einaudi:2005),346.



political suppression conferring arbitrary power to the police and other constabulary forces.

The Zanardelli Penal Code which entered in force in 1889 ( and remained till 1930) aggravated and extended the category of “menace to public order”. This rubric included by then, the so called *diffamati* (defamed, “vilified” ones). *Diffamato* were individuals who believed to be perpetrators of crimes by *vox populi* . Therefore suspicious elements of the society, “promoters against social order” fell under police surveillance, firstly through *diffida*, then *ammonizione* <sup>161</sup> which limited them in their daily activities by keeping them under surveillance, while third step on the penal ladder was the *domicilio coatto*. *Ammonizione*, however, created a vicious circle: Since *ammoniti* (the ones on probationary) were subject of general prejudices, they had difficulties to find stable jobs or residences, and easily aroused people's suspicion, they generally ended up in jail or in *domicilio coatto*.<sup>162</sup> The locations the authorities chose for the detainees were selected on the basis of the primary need of close surveillance of the detainees and the need of cutting their all contacts from their homes. Optimally functional for these purposes where the small and underdeveloped islands of the southern peninsula: Lipari, Tremiti, Ustica, Favignana and Ventotene . <sup>163</sup>

The laws of 1889 declared punishable all those who were seen dangerous of public safety. However, due to the lack of a bunch of objective criteria to ascertain who could be subject of these actions had facilitated the inevitable ambivalence these preventive-punitive measures. These legal unpunctuality opened the way to the

<sup>161</sup> The *ammonito* was not a criminal having charged and convicted of crime nonetheless he/she could have sent to *domicilio coatto* if he/she violated the probationary period.

<sup>162</sup> Susan A.Ashley, *Making liberalism work. The Italian experience, 1960-1914*. (Greenwood Publishing Group:2003),128-130.

<sup>163</sup>Luciano Violante, “La repressione del dissenso politico nell'Italia liberale.” in *Rivista di storia contemporanea* (1976, 4), 23.

ambiguity and more arbitrary nature of their applications: for example the famous case of the oppression of the Sicilian and Lunigian anarchist and socialist movements in 1984.<sup>164</sup> It was during the first crisis of the liberal state that the tool of confinement gave proof of its relatively vast repressive potentials.

The measures of the liberal regime may be regarded repressive, turning with undue willingness to such measures as *ammonizione* and *domicilio coatto*. However, such an evaluation tends to neglect the degree of opposition that these measures had to face with, and their very provisional character. The preventive and penal measures of liberal epoch might have been severe to people who were considered to be “menacing to the public order” but it was considerably milder in comparison to those of Fascism.

### ***3.2.Fascism and confinement, 1926-1943***

During the span of 17 years the Fascist dictatorship forced proximately fifteen thousand Italians to confinement in the heavily impoverished Southern Italy. The motivation was as simple as it had been in the liberal era: Isolation, seclusion of the detainees from the “inland” and civilization. Confinement worked as a sort of social “colander” which tended to filter out the pernicious influences in country. Devoted to this function, it gave a decisively totalitarian character to the control of social and political deviancy. The regime shaped the preexisting repressive institutions to its totalitarian aims readopting the institution of *domicilio coatto*. However, in comparison to *domicilio coatto* the confinement assumed a more dominant political nature and was used as an primary tool of repression.

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<sup>164</sup> Martin Clark, *Modern Italy. 1871-to Present*. (Education Ltd:2008, 3th ed.), 125-126.

The militarization of the society determined by the Italian participation in the First World War, signaled the first return to the usage of *domicilio coatto* against the enemies of the nation. It was used especially against individuals generally considered “unreliable” regarding their anti-government and pacifist sentiments by the authorities. In 1926 November- as the Fascist dictatorship started unfolding-by the law “Provision of State Security”<sup>165</sup> , enacted as a “law of emergency”<sup>166</sup> a *Tribunale Speciale per la Difesa dello Stato* (Special Court For State Security) was created. This special court was in charge of judging criminal acts against the state and the regime and was one of the so called *leggi fascistissime* .<sup>167</sup> (ultra fascist laws) which together with the institution of confinement were the most characteristic instrument of the fascist repression .<sup>168</sup> The *domicilio coatto* was reintroduced again in the legal system by the Fascist state under the name *confino di polizia* (confinement) in November of 1926 as a measure applicable to anyone deemed to be threatening to the state order. In practice, confinement was not a penalty imposed by a court following the conviction. Like *diffida* and *ammonizione*, it was only an administrative sanction, sometimes used as “preventive” measures. For its elastic and relatively informal character it became one of the most diabolic tool of the regime. In 1931 July came in force the New Penal Code named after Alfredo Rocco minister of Justice. In the same year the Consolidation Act of Public Security reworking that of 1926 started handling the matters of *ammonizione*, *diffida* and the

<sup>165</sup> Legge. n. 2008. Provvedimenti per la Difesa dello Stato.

<sup>166</sup> It was called “emergency law” since it was enacted right after Anteo Zamboni's attempt to assassinate the Duce.

<sup>167</sup> *Leggi fascistissime*: Also known as exceptional laws for State Security . They were legal acts by which the “total transformation of Italy” was initiated. Through these special laws the regime arrogated the power to afflict those citizens by more severe laws already in force. By conferring the almost unlimited power to the police against the enemies of the state,

<sup>168</sup> See: Carlo Spartaco Capogreco, *Il campi del Duce*. (Einaudi:2006), 13-20, Adrian Dal Pont, *I lager di Mussolini* ( La Pietra:1975) 21-29, Leonardo Musci, *Il confino fascista di polizia*(La Pietra:1983), 152-167, Silvio Corvisieri, *Villeggiatura di Mussolini*(Baldini Castoldi Dalai Milano:2004)

confinement. (Articles 164-176, 180-190)<sup>169</sup> The new CAPS equated those ones who had committed acts subverting the order of the State with those ones who had simply intended, or were suspicious to commit them. According the laws, (*norme*)<sup>170</sup> the *questore* (chief of the local police) had to report to the *prefetto* (head of the municipality) essentially three categories of “evildoers”: First the *oziosi* (idlers) and vagabonds, second who were thought to be harmful for society, morals and the political system <sup>171</sup>.The third category was of the *diffamati*, therefore of those who were judged for certain crimes, acquitted for insufficient evidences, but still deemed to be delinquents by the public voice. To make it plain, anyone could go and denounce a person who may have been considered potentially dangerous. Many activities were regarded to be criminal in this case:Not only acts against state personalities, public order but acts like prostitution, theft, fraud, drug abuse,medical abortion.<sup>172</sup> The reported ones could be subject of three sanctions: *diffida*, *ammonizione*, and confinement. The *questore* passed the report, the *prefetto* who sent it to the provincial committee. This juridical committee<sup>173</sup> was responsible for the assignment of *ammonizione*, or *diffida*. The committee was working with closed

<sup>169</sup> This Consolidation Act approved in 1931 was not substantially different from the previous. Act of 1926, it was just a simple harmonization of the latter the the new Rocco Penal Code.

<sup>170</sup> *Norma* can not be translated as norm. In Italian it means a special law.

<sup>171</sup> Laws on *ammonizione* and confinement of CAPS, 18<sup>th</sup> June, 1931. n.773.(Published: Gazzetta Ufficiale, 131, 26<sup>th</sup> of July,n.146)Art.164. “The *questore* denounces to the *prefetto* in written, idles ,vagabonds suspected to make their livings by criminal acts and individuals claimed to be dangerous for public security, morality, and political orders by *vox populi*”

<sup>172</sup> Art.165.”The *diffamato* is the person who designated by *vox populi* as perpetrator of

1. crimes against state personalities, public order, crimes of threat,violence resistance to public authorities.
- 2.crime of murder,
3. crimes of black trade, drug trade,and drug abuse.
- 4.crimes of trafficking women, corruption of minors.
- 5.crimes against integrity and sanity of the stock,
6. crimes of theft, robbery, extortion, fraud, robbery, when the prosecution of the crimes ended with acquittal due to the lack of sufficient evidences.

<sup>173</sup> Art. 166. The *ammonizione* lasts two years and pronounced by a provincial committee composed of the *prefetto*, the state prosecutor, *questore*, head of the *carabinieri* and a high officer of the voluntary militia for the national defence. The comitee is summoned and chaired by the *prefetto*.

doors chaired by the *prefetto*, the *questore*, the head of the *carabinieri* of the province, a prosecutor, an high officer of the voluntary militia. The same committee<sup>174</sup> ordained confinement which required residing permanently in a remote colony for maximum a five years of period.<sup>175</sup>

For conviction, evidences were not necessary, as the word of the committee especially that of the *questore* determined the sentence.<sup>176</sup> If the sentence was confinement, the committee informed the Ministry of Internal Affairs,<sup>177</sup> which made the decision to which colony the given person should be sent. In the Ministry of Internal affairs, the Division of General and Reserved Affairs<sup>178</sup> and the Division of Police dealt with confinement. A distinction between political and common confinement did not exist legally only administratively: The Office of Political Confinement, Section I. of Division of General and Reserved Affairs was competent for political cases, while the Section II. of Division of Administrative and Social Police was responsible for the common confinement.<sup>179</sup>

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<sup>174</sup> The post unitarian committee for domicilio coatto were significantly different in this aspect: one representative of the magistrature was present. The penalty could be imposed only on those who were already *ammoniti*, the sentence could last only for two years the most.

<sup>175</sup> Art. 180. "The confinement lasts from one till five years of time-period with compulsory labor in a colony different from the provenance of the confinee.

Art. 181. Anyone who can pose a danger to public security can be sent to confinement. These persons are the *ammoniti*, *diffamati* by the terms of Act.165, and anyone who expressed an intention to perform acts which are violently subversive towards the economic, social and political system, obstructing or frustrating the activities of the state power.

<sup>176</sup> Art. 182. "Confinement is pronounced by the order of the provincial committee referred at art. 166. The order determines the duration. The committee can order the immediate arrest of the persons proposed to confinement.

<sup>177</sup> Art. 183. The orders of the committee are transferred to the Ministry of Internal Affairs, which designates the location where the sentence will be served.

<sup>178</sup> La Divisione Affari Generali e Riservati.

<sup>179</sup> , See: Paola Carucci, "Arturo Bocchini" in *Uomini e volti del fascismo* ed. Ferdinando Cordova (Bulzoni, Roma:1980)85. Carucci describes the reorganization of the offices of the Department of General and Public Security carried out by Arturo Bocchini head of the State Police and the OVRA. Here we have to mention the persona of Arturo Bocchini as the most intelligent and astute soldier of the regime., the creator of the illusion of the regime's consensus including the myth of the *villeggiatura*. It was Bocchini, often called as the "Italian Himmler", who first suggested the breathtaking Ponza, to be the detention island for the growing number of confinees. The extraordinary beauty of the place helped to dispel rumors circulating in anti-Fascist environments about the inhumane treatment of the confinees. See: Silverio Corvisieri. *Villeggiatura di Mussolini*

### 3.2.1. *Political / common confinement*

The distinction between common and political confinees was problematic. As it was mentioned before, the common confinement served as a removal from the society of all those who were considered as criminals even if evidences did not allow their incrimination. In addition it exercised a social control on people on the margins like alcoholics, vagrants, mentally-ills, who on one hand, were seen as potentially dangerous to the social order, and harmful to the public image of Fascism on the other. Given that the articles of the CAPS did not make difference between political and commons, the criterion should have resulted from the evidences. However, assignment sometimes depended on factors completely unrelated to the acts committed by the confinee. <sup>180</sup>Due to the wide discretion to impose these measures on people, often lead to confusion with categories: For example poky little swindlers, defrauders, were sent to confinement as political confinees as they were considered dangerous to the economic interests of the State.

In the memoirs of Altiero Spinelli, antifascist, they were part of the group most despised in the colonies, the group of “manchurians”<sup>181</sup> who were not real political, but pity snitches with no political morals. Spinelli recalls also that it was more than humiliating to share any common premises with them and all those “real political” who mingled with them were immediately ostracized.<sup>182</sup>

Practically, especially at an early stage, the regime did not differentiate between political and commons in terms of location. According to Emilio Lussu Italian

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(Baldini Castoldi Dalai Milano:2004)

<sup>180</sup>See: Paola Carucci. “Arturo Bocchini” in *Uomini e volti del fascismo* ed. Ferdinando Cordova (Bulzoni, Roma:1980), 97.

<sup>181</sup> Manchurian comes from the geographic region of Manchuria , northeast Asia, In the jargon of the confinees manchurians was synonymous with barbarian, uncivilized people.

<sup>182</sup> See: Altiero Spinelli. *Come ho tentato divenire saggio*, (Bologna, Mulino:1984) and *Lungo Monologo* (Roma, Ateneo:1968)

antifascist, writer who spent 5 years on political confinement in Lipari the” regime wanted to humiliate antifascist activist to force them in cohabitation with people who were not even able to express their political opinions”<sup>183</sup> Detention of political with commons facilitated the association of political to social outsiders, criminals. Mixing political opponents with those groups of people, who had already been viewed with distrust and suspect, seem to have been playing an important role for promoting the consensus between the regime and the Italian people. <sup>184</sup>The repressive machinery proved to be insidious when it was about the to maintain the regime's facade: On one hand friendly living standards were provided for certain confinees from high social classes on the other, for confinees of lower status<sup>185</sup> rudimentary and unlivable circumstances were created. <sup>186</sup> Antonio Gramsci for example mentions it in one letter sent from the colony that the regime inflicted more restrictive regulations on the freedom of on commons <sup>187</sup>than on that of the political. <sup>188</sup> Giovanni Amendola antifascist, confined in Ponza, in his memoir *Un' Isola (An Island)* claimed that living conditions were acceptable and “pocket money” (couple of liras per day) allowed them better material comfort than an average confinee on the island.<sup>189</sup> Carlo Levi also, who was definitely a political confinee, from an upper class family of Torino, was provided with better circumstances than the impoverished life conditions of many natives of the remote place of his confinement. In his word famous memoir “Cristo si é fermato ad Eboli” (Christ

<sup>183</sup> Emilio Lussu, *La catena.* (Baldini Castoldi Dalai:1997), 165.

<sup>184</sup> See: Silverio Corvisieri, *Villeggiatura di Mussolini* (Baldini Castoldi Dalai Milano:2004)

<sup>185</sup> Silverio Corvisieri claims that political confinees were generally from higher social status than common ones (pg. 126-127. ) however, he does not provide statistical data to confirm his statements.

<sup>186</sup> See: Silverio Corvisieri, *Villeggiatura di Mussolini* (Baldini Castoldi Dalai Milano:2004)

<sup>187</sup> Art. 186. The confinee is not allowed to go back to his residence and leave it earlier or later than the determined schedule orders it.

<sup>188</sup> *Lettere antifascisti* (Editore Riuniti:1975), 65. Gramsci notes that the common confinees were forced to stay in there barracks after 5 am while political needed to return only after 8. am.

<sup>189</sup> Giorgio Amendola, *Un isola* ( Milan:Rizzoli,1980), 149.

stopped at Eboli) he describes the daily life of the peasants which was embittered by diseases, poverty, alcoholism, boredom and the frequent presence of death. Levi, even though he was relatively limited from his activities, portrays long confinement period as a unique and illuminating experiences, one year tinged with sadness but a great amount of cathartic happiness at the same time.

However, in both of the cases of common and political confinees , it turns out that the purpose of the confinement itself was not a physical but a mental elimination. Apathy, depression and the final unwillingness to return to the society characterized mainly a confinees's ordeal. The desire of the Fascist State to destroy the personality, could resulted in the the individual's total alienation from reality. The continuous censorship of correspondence cut the confinee's links from his beloved ones which could have been served as sources of consolation and encouragement. In his (confiscated) letter to his mother one confinee wrote:

*“To my greatest luck, I can not write you a long letter. First, because the censorship did not allow me to write what I think, and then I prefer to write you as short as possible. Why? Because not being able to become hypocrite liar I would rather keep silent. The confinement must not have an effect on my personality!”*<sup>190</sup>

An other one complained about similar trials:

*“No man in confinement can be mentally sane any longer. Due to his fragile mental state, he is not able any longer to be aware of what he writes about. The confinee is in the grip of great despairs and subject to diseases such as sadness anger and hatred”*<sup>191</sup>

<sup>190</sup> Bibliography of Fernando L. political confinee. *Archivio dello Stato*. “Conf. Pol” E. 112. “Fernando L.” (1929-33)

<sup>191</sup> Bibliography of Salvatore M. political confinee. *Archivio dello Stato*. “Conf. Pol.” E. 145. “Salvatore M.”



After all these considerations ,it is quite clear that confinement can not be qualified by a single depiction. Various factors played role in how, in what circumstances, those 15 thousands confinees lived through the experience of their detention. As it can be seen the implementation of the law did not follow always the same pattern. Historians have mostly been focusing on the “real political” confinees, and much less attention was paid on the p common confinees and the paradoxical category of “political apoliticals”. In the 1930's when significant number of beggars, Jehovah's witnesses, mentally ill, prostitutes, and homosexuals were persecuted and sent to confinement. They were forced to live in “*ill-smelling wooden barracks surrounded by a metal grid which limited them to move only couple of meters around*”<sup>192</sup>. They were “innocent” in the sense that they were never engaging in subversive antifascist activities. Nonetheless they had to suffer maybe even more than their militant compatriots.

### ***3.3. Confining homosexuals: how “common delinquents” became the enemies of the race***

For the Fascist regime the of population increase in the framework of an 'anthropological revolution” was a crucial issue. The base of the anthropological revolution was the combatant and aggressive New Man. The masculine model was centralized on virile masculinity which needed to be strictly separated from any gender confusion. Anything which could have been obstructing its evolution needed to be repressed, removed, or corrected.

<sup>192</sup> Mario Magri. *Una vita per liberta. Diciassette anni di confino politico di un martire delle Fosse Ardentine* (Rome: Puglietti, 1956) , 175.

The lives of homosexuals had become significantly harder with the rise of Fascism. Even if the first decade of the *Ventennio* was not a “gay parade” in Italy, homosexuals were not cruelly man-hunted either. Certainly homosexuals suffered from the hostile environment, from various types of discriminatory laws (Bachelor's tax), occasional violence occurred against them (intimidation, beatings, forced castor oil drinking, ). One of the first measures of the CAPS of 1926 for example, were to order the closure of nightclubs seen as depraved places for corruption of moral sanity. Many of these places were the “secret garden” of homosexuals where they could conduct a clandestine lifestyle and create quietly their subculture.<sup>193</sup> Other *police* measures such as *fermi di misura di PS e Moralita*<sup>194</sup>, *diffida*, *ammonizione* stroke them also, but relatively with less frequency than from the mid 1930's.

The Rocco Penal Code, as it was pointed out in previous chapters, did not contain a specific anti-homosexual law, and neither did the previous Zanardelli Code. However in both cases, the decision to omit such a law from the Penal Code was not the result of liberal considerations. The reasons for not introducing the anti-homosexual article into the Penal Code can provide useful indications how Fascism treated homosexuality. Cover up strategies, occultation, negation of the fact that homosexuality existed in Italy were significant factors to eliminate any kind of discussions on it. The political power utilized this strategy of silence what Dall'Orto calls “repressive tolerance”. The predilection of the State was not the fight openly against homosexuality but to operate, and repress in silence. However, it must be noted the silence of the Penal code covered already a range of measures against

<sup>193</sup> Bruno Wanrooij, *Storia della pudore*, 125.

<sup>194</sup> *Fermi di misura di PS e Moralita*: I translate it as “Random Checks for Public Security and Morality.”

homosexuals: *It is known that against habitual and professional pursuers of the abominable vice, the police has already very effective means which can be apply immediately security and even retentive measures.*<sup>195</sup>

For Fascism, after the second half of the thirties, war, empire and racism were the catalysts of the total transformation of the nation. The second half of the thirties witnessed also the growth of the number of homosexuals sentenced as political instead of common confinees. By the declaration of the Italian Colonial Empire 1936, after the invasion of Ethiopia, it became explicit the will of Mussolini to represent fascist society as a society normalized, disciplined, pure, without inconsistency and corruption. The Italian Colonial Empire became the symbol of the accomplished goal of “<sup>196</sup>fourteen years instigated by the impressible energy of young and disciplined Italians.” From this moment, (due also to the strong influences of Germany) the issue of the race became the focus of discourses especially regarding sexuality. It can be stated that the “racialization” of homosexuals derived from the Lombrosian theory, which considered the lack of somatic and behavioral division between genders as primitive, degenerated and inferior. Lombroso's theory also claimed that this primitivism is represented by half-castes as pathological blend of race and gender.<sup>197</sup> Even though Fascism rejected positivism as being too earthy and bourgeois, and preferred “spiritual” instead of “material”, Lombroso's theories<sup>198</sup> survived and enjoyed various interpretations. The Fascist government enacted criminal laws based on an eclectic mixture of classical but

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<sup>195</sup> Lavori preparatori. Vol. IV. 3. 119.

<sup>196</sup> Benito Mussolini. *Proclamazione dell Impero*. Speech of May 16<sup>th</sup> 1936.

<sup>197</sup> See Cesare Lombroso. *L'uomo delinquente*.

<sup>198</sup> Ironic, but the Fascist regime in 1940 abolished Jews rights and priviliges on the base of Lombrosian theories, considering them as an inferior race. 50 years earlier Lombroso, himself Jewish, declared the same about African races. Fascism, applying his own theories included Lombroso himself the the group of inferiors.

mainly based on positivist theories .The idea of a scientifically policing the population aptly fit in a repressive society.<sup>199</sup>

In 1937 an explicitly racist direction in the Fascist politics started gaining significance first with the promulgation of the law against “madamato” which punished the concubinage of Italian men with the subjugated ones of the African colony, helping the formation of an “apartheid” society. The purity of the Italian race in the imperial period became an universal value to be protected and safed in the frame of a “holy battle” with the participation of every single Italian.<sup>200</sup>

*“Sacred and saint is the crusade launched for the salvation, even in biological sense, of our race. It is high time to say “Woe to the wrongdoers!” because they are those who compromise the future Italy, and expose our proud race to the danger of becoming degenerated half-caste.”<sup>201</sup>*

Racial politics, alongside with family politics peremptorily urged men and women to reproduce racially pure off-springs to their Patria<sup>202</sup>.

Racial prejudice, though reached its crux with the publication in the infamous journal *Difesa della Razza* (Race Defense) the, *Manifesto della Razza* (Manifest of Race)<sup>203</sup> which declared in 10 points the biological differences of races, and the Aryan origins and purity of the Italian race. It also pinned down the “purely European psychical and physical characteristic of Italians must not have been altered any way.”<sup>204</sup> This concept, fostered by the legacy of anthropological positivism, introduced a certain intertwining of physical, psychical and political and

<sup>199</sup> See Mary Gibson, *Nati per crimine . Lombroso e gli origini della criminologia biologica.* (Mondadori:2004)

<sup>200</sup> Lidio Cipriani, “Razzismo” in :*Difesa della Razza.* II. .46. 1939.

<sup>201</sup> Guido Landra, “ Storia Vera del Razzismo Italiano” in: *Difesa della Razza III.* 32.1939

<sup>202</sup> See:Victoria De Grazia, *Le donne nel regime Fascista* (esp. chapter 4. “La Famiglia e Lo Stato”), 113-164.

<sup>203</sup> The first very explicit manifestation of the biological-racist tendencies in Italy.

<sup>204</sup> *Difesa della Razza.* 1938.august 5.

the “crime of corrupting the race”.As Guido Landra Italian anthropologist and theoretician of racism wrote in one issue of *Difesa della Razza*:

*“Anthropology needs to be integral part of politics, and it has to contribute to the politics of the race. Today we don not need sciences which decipher to obscure past of human races. WE need to use anthropology to project the future of them.”*<sup>205</sup>

Referring to George Mosse according to whom stereotype construction, influenced by sciences like anthropology and physiognomy ,on the base of physical look was ingrained with racism given its ideological nature centralized on the image.<sup>206</sup>, it can be underlined that regarding homosexuals, Fascism did not only constructed stereotypes, but also reactivated the preexistent ones.

Precisely because Fascism relied extensively on positivist anthropological approaches,which “scientifically” justified its concept of racial supremacy in the end of the 1930's homosexuals became officially political confinees instead of commons. In the late 1920'and early 30's more than three quarters of the homosexual confinees were under common confinement. According to the researches of Giovanni Dall Orto, Lorenzo Benadusi and Dario Petrosino, the total number of confinees for pederasty were not less than 320. 260 out of 320 were sent to confinement as common, the rest as political “apoliticals”. The number of politicals very visibly increased in the year of 1938-39 when the anti-semitic Fascist racial laws were promulgated.<sup>207</sup> To Jews for example many homosexual stereotypes were associated like shambling, effeminate look, pathetic unmanly

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<sup>205</sup> Guido Landra, “L'antropologia nel quadro della politica della razza. “In : *La Difesa della Razza*. 3. issue (1940) n. 18. 12-13.

<sup>206</sup> George L. Mosse, *Sessualita e Nazionalismo.*,(Roma, Bari, 1996). and *Image of the Man*,(Oxford University Press:1998)

<sup>207</sup> See: Lorenzo Benadusi, *Nemico dell uomo nuovo*, and Giovanni dall Orto, *Omosessualita e razzismo fascista*, Dario Petrosino.,*Traditori della stipre*.

features, neurotic behaviors. Homosexuality, with other malpractices like incest, bestiality, were seen as common habits of Jews.<sup>208</sup>

Changing the type of confinement of homosexuals can be noted as an important event: Homosexuality for its “psychical and physical characteristics” became considered as detrimental for the stock's sanity and development. Therefore it stopped being viewed only as a “immoral sin” but it also gained political attributes as oppositional to the ideology of the regime.<sup>209</sup> By politicizing the “sin” as Giovanni Dall Orto argues, homosexuals became enemies of the race obstructing<sup>210</sup> the regime's sacred mission to increase a morally and physically strong, combatant Italian population who were expected to be the guardians of the Italian Empire.

### ***3.3.1. Different cases in Catania: 1939***

It can be assumed, that nexus of “science”, biopolitics, and Fascist ideology appeared most obviously in the racist imperial phase of the regime. No wonder then that the most infamous round-up of homosexuals happened in 1939 in a Sicilian city Catania: 42 “pederast” were sentenced for political confinement. The particularity of this occurrence lies in the fact, that while previously single homosexuals were struck, in Catania a collective group of “pederasts” was to be removed from the public scene.<sup>211</sup> Paradoxically, on their archival files<sup>212</sup> it can be read that they were “apoliticals” sent to political confinement:

#### *Envelope 181. Political confinement*

<sup>208</sup> Dario Petrosino. *Traditori della stirpe*.103-116.

<sup>209</sup> Giovanni Dall Orto. *Omosessualita e razzismo fascista*. 527.

<sup>210</sup> Ibid. 526.

<sup>211</sup> See: Franco Goretta and Tomasso Giartosio. *La città e l'isola*(Donzelli:2006)

<sup>212</sup> Their files can be found: Archivio Centrale dello Stato/Ministero dell'Interno, Divisione Generale di Pubblica Sicurezza, DiV. Affari Generali e Riservati. *Ufficio Confino Politico*, Fascicoli Personali.

*Carmelo. C. di Francesco, born in Catania in 1910, resident of Catania, waiter, apolitical. Arrested on the 7<sup>th</sup> of January. 1939 for pederasty. Sentenced to confinement for 5 years from the Provincial committee of Catania by the order of 10<sup>th</sup> of January 1939. The Appeal comitte refused the appeal<sup>213</sup> 28<sup>th</sup> of January. Location of confinement: Ustica, and San Domino. Freed 23<sup>th</sup> of June 1940, after that sentence was switched from confinement to ammonizione.*

The file of Carmelo C. shows that he was categorized as an apolitical sent to political confinement. It obviously meant that the confinee was “apolitical” thus he did not engage in “real antifascist activities” but was sentenced as political since he was menacing the protection of the race, and frustrating the the regime's population politics. It can also be seen that only 3 days passed in between the arrest and the sentence. The provincial committee passed its judgment extremely fast, probably without taking many various factors into consideration. As to the appeal, according to the art.184, the appeal must be presented within 10 days after the communication of the sentence. In Carmelo C.'s case the appeal went refused after 18 days of the communication of the sentence. The accuracy of the authorities when perusing Carmelo C's documents probably left a lot to be desired.

An other case shows how Fascists used positivist stereotypes applying them in their extra-juridical measures. Marcello S. pederast was 33 years old in 1939, with abusive, jobless father and sickly mother laundress by profession. He had three brothers, one invalid, one mentally degenerated, one is under arrest for beggary.

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<sup>213</sup> Art. 184.”Against the confinement order appeal can be accepted by the Appeal committee which resides in the Ministry of Internal Affairs. The appeal committee members are the vice secretary of the state by which the committee is summoned and chaired, the head of the central police, a officer of the carabinieri, and an officer of the voluntary militia. The appeal must be presented within ten days after the communication of the sentence.

During the years he went through numerous “random checks of public security and morality” as he was a male prostitute. All these information can be found at his biographic file attached to his assignation to confinement. His biography which was certainly written by someone else can be read in first person.

*“My father was alcoholic. Often came home intoxicated and abused our whole family. I am illiterate, because my parents had never thought about sending me to education. I was 16 years old when I ran away from home after the continuous abuse of my father. Since then I have been earning money as a clandestine prostitute luring pederasts from the street.”*<sup>214</sup>

Before having been proposed to confinement he maintained relationship with Ugo. D. who was also allegedly a male prostitute. They spent a brief period in prison together when Marcello S.'s case was sent to the political confinement section.

Police headquarter of Catania:Div.2. 15<sup>th</sup> of June, 1989

Object:Marcello S. born in Catania, male prostitute, pederast.

*“To the attention of the Ministry of Internal Affairs, Office of Political confinement, Division of General and Reserved Affairs, Rome.*

*It appears to this Police headquarter that the subject Marcello S. male prostitute is suffering from the turbid disease of pederasty. He has been engaged to immoral relationships with other sexually perverted ones, and it seems that he had subjected an other male prostitute Ugo D. to his avid desires. The presence of S. endangers the public morals and security. Therefore, the police headquarters of Catania requires the authorization to assign him to political confinement.”*<sup>215</sup>

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<sup>214</sup>Personal files. Archivio centrale dello stato. Ministo d'interno. D.G.PS , Ufficio Confino Politico (1938) Biografhy of Marcello S. ,Personal files.env. 123.

<sup>215</sup>Archivio centrale dello stato. Ministo d'interno. D.G.PS , Ufficio Confino Politico (1938)Personal



By using words like disease, immoral, and danger, this example clearly demonstrates how physical, moral and criminal categories were in intersection with each other. In the above-mentioned case the fact that Marcello S. was a male prostitute certainly meant aggravation. Here, the argument must turn again to positivist 's theories.

With the publication of one of Lombroso's most (in)famous and paradigmatic work the *Donna Delinquente, La prostituta, La donna criminale* (The Criminal Woman, The Prostitute, The Normal Women,) normal women became regarded as “innocuous semi criminals” everlastingly blocked in their development, while a prostitutes were the regressed version of the normal women, and the criminal women united the characteristic of a prostitute and the normal woman. However, he also presumed that every single prostitute had congenital predisposition to commit crimes as also was prone to be dishonest and incapable to respect anyone.

According to his statements prostitutes were degenerate women whose sexual aberration manifested in their being prostitutes.<sup>216</sup> Lombroso applied his tripartite idea on the criminal- prostitute-woman on homosexual men whose “sexual inversion is expressed not only in their brutish carnality, but shapes their entire psychical life. Pederasts dress up like women, use female names, wear feminine hairdos, speak in an affectedly high-pitched voice, and behave coquettishly like prostitutes.”<sup>217</sup> Lombroso also argued that examining homosexuality will provide the evidence for the anthropological nature of the genesis of crime.<sup>218</sup> Lombroso's argument was entirely applied in the case of Marcello S. who in the eyes of the

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files.env. 123, M. S.

<sup>216</sup> See: Cesare Lombroso, *La Donna Delinquente, La Prostituta, La Donna Criminale* (Torino:Fratelli Bocca, 1903) esp. 260-68.

<sup>217</sup> Cesare Lombroso. *L'Uomo Delinquente* ( Torino: Fratelli Bocca, 1924), 74.

<sup>218</sup> Ibid.104-105.

authorities represented the the effeminate prostitute with criminal tendencies threatening the social security. His homosexuality did not fit in the rigid gender division of Fascism according to which in society only females and males by nature exist. The confusion of the authorities regarding that homosexuality was either a vice or a congenital deviancy, resulted in the idea that “pederasty” is a disease which must be cured by cauterizing it in its hotbed. For such an foul disease the “cure” could not have been anything else than removal from the social circulation, that is confinement.

In a rigid Lombrosian framework, a homosexual must have worn the distinguishing signs of his degeneration ‘tattooed’ on his own body: a series of somatic stigmas of those who were considered to be affected from “the foul vice”..<sup>219</sup> The following case confirms this assertion:

*“Ermidio. G. has been practitioner of pederasty since his adolescence. From his facial features it can be seen immediately that he is a lewd sleaze by definition. He has a gaunt face with sunken eyes, large nose and thick lips. His gawky posture gives a bad impression. His effeminate voice reveals his anomaly and gives proofs to his sexual inversion. He appears often at nocturnal clubs where he supposedly indulges himself in squalid raptures, hunting for new preys for his impure desires.”*<sup>220</sup>

This report sums up very concisely all the stereotypes of the characteristics for which Fascism persecuted homosexuals. It can be seen that the physical appearance of Ermidio G. according to the authorities, did not meet the Fascist norms. His complexion and cramped body position reminded that of the Jews. As George Mosse noted the growing consensus on true manliness and health excluded

<sup>219</sup> The physical description of the police relied also often to medical examinations. The medical examination involved also the check of the intimate body parts of the accused.

<sup>220</sup> Archivio centrale dello stato. Ministo d'interno. D.G.PS , Ufficio Confino Politico (1938)Personal files.env. 54, E. G.

Jews to whom sallow complexion, hollow eyes and waddling gait opposed to manly stride were associated.<sup>221</sup> Emidio G.'s face probably must have been the combination of an African (for his large nostrils) and a Jew (for his gaunt face and thick lips) in the interpretation of the authorities. Moreover, as he embodied the cruel predator/criminal who “hunts for prey for his impure desires” menacing morality, purity, and the virility of the Italian race.

Since Fascism created an “official Italian race” which needed to filter out the degenerational risk factors, the introduction of the racial laws in the end of the 1930's made homosexuality even more despised and threatening as before. The conclusions of this chapter are initial due to the complexity of the issue, and the lack of a more supplied research. However, it can be said that the image of homosexuals when through slight transformation as its category from “common criminal” altered to category of politically and “racially dangerous”. Even though the concept as homosexuals were delinquents at the same time held fast, the focus shifted on race protection. Homosexual practices besides being considered sexually perverted, undermined the institution of family, which was regarded as the main pillar of the Fascist society, by not getting married and procreating. Homosexuality also went against the ideal image of a Fascist man who represented the virility and the combativeness of the Fascist State. Fascist who were enthusiastic to protect the Italian stock, and over-rule pederasty could rely an preexistent matrix of positivist stereotypes and the well -operating repressive instrument of confinement.

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<sup>221</sup> George Mosse, *Image of the Man* (Oxford University press:1998), 64-65.

## Conclusions

This thesis made an attempt to present and discuss the repression of homosexuality in Fascist Italy. Dealing with an issue, hidden from public consciousness or so long, proved to be difficult in some aspects. First, it is almost certain that most of the homosexual confinees were categorized as common ones. However, certain archival files of “commons” are not accessible for scholarly investigations. Second, as homosexuality in Italian history writing is not embedded yet, touching upon this topic may risk raising even more questions than providing answers. Last but not least, scrutinizing the history of a repression, which was both underhanded and fervent, can lead to ambiguous conclusions especially comparing it to the repression of other totalitarian systems. Certainly, due to the complex nature of this topic it might be argued that this thesis has its weak points as it leaves gaps behind to be contested or refuted by more focused further researches.

One of my aims with this thesis was to demonstrate that Italian Fascism was a repressive totalitarian system, which must be seen beyond the classical two-fold interpretation of “Fascists versus (active) anti-Fascists”. Silence on repression of common people in Fascist Italy and the consequent trivialization of their confinement is rooted in the self-acquitting historical reconstruction of those who, after the collapse of the regime, tried to forget their own responsibility. It appears that their attempts for downplaying the repressive face of Mussolini's regime have been effortless. Apologizers already had a full arsenal of falsifying, smoke-screening, and camouflaging tools at their disposal which during the twenty years of

dictatorship served to veneer the repressive machinery and helped to maintain the “rose-watery” facade of the system. The legend of the Mussolinian bonhomie was created by Mussolini himself and was carefully applied to cover the most violent aspects of the regime. The continuing palliation towards the totalitarian system deploys the same rhetoric in current political culture and also in mainstream Italian historiography: relativizing Italian Fascism comparing it to other more ruthless dictatorships, emphasizing the benevolence of the regime, representing the tool of confinement in relatively positive lights. This curious discrepancy between the mainstream historiography, which tends to mitigate the conditions and circumstances of the totalitarian Fascist Italy, and a “micro-history” which tells us numerous episodes of fervent repression is worthy to be revealed.

Why totalitarian? asks the Emilio Gentile. Historiography has different interpretation concerning the nature of the Italian Fascist regime. By many it is depicted as authoritarian nationalist political system, or personal monarchy, state with totalitarian tendencies. Italian Fascism went out of its way to realize the myth of New Man. Emphasizing this point, Gentile argues that Fascism was the first political movement which had brought mythical thought to power. The virtually unlimited power what Italian Fascism practiced over every segment on its citizens' life can be defined the best with all of its specificities and peculiarities as “Italian road to totalitarianism”.<sup>222</sup> Also elemental constituent of the Fascist political views was the regime's absolute power. The regime absorbed the concept of squadrismo that political opponents could not be adversaries but they were enemies to be terminated and humiliated by inflicting passive obedience on them. This view

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<sup>222</sup> Emilio Gentile, “Fascism in Power. The Totalitarian experiment.” in: *Liberal and Fascist Italy*. Ed by Adrian Lyttelton. (Oxford University Press:2002) 139, see also: E. Gentile, *La via italiana al totalitarismo*. 104, 150, 225.

helped the regime a lot in its totalitarian orientations.<sup>223</sup>

However, it can be argued that Gentile's theory should be seen together with the argument of those who insist that with Italian Fascism the old institutes enjoyed the same amount of power, and the Fascist usage of repressive instruments were almost analogous with that of the old regime, despite the different context. Indeed, it can be asserted that the repression of homosexuals did not derived from a consistent directive of the Fascist regime , but rather from a complex cultural background which relied on well-embedded “popular-scientific” stereotypes.

In this thesis I mentioned that at least 320 citizens throughout Italy who suffered from being forced to confinement for their supposed homosexuality. 320 is an official number according the present “state of art”. No doubt, that this number is only indicative. It is more than probable that many others were confined for apparently general reasons, but in truth for being homosexual. This figure can be compared by no means to the the presumed 10-15 thousands who perished in the concentration camps of Nazi Germany.<sup>224</sup> The homophobic persecution in Nazi Germany was effectuated by precise legislative measures, while in Italy it was carried out by administrative sanctions therefore in a less violent way. Regarding the gradual “evolvment” of the repression in Italy, two periods can be clearly set apart: Up to 1938 Fascist authorities confined homosexuals either under the tag of political or and more often as commons. Before 1938 a well-defined and systematic confinement of homosexuals has not been ascertained yet by the present researches on this topic. Certainly, a link can be assumed between the Italian adaptation to

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<sup>223</sup> Emilio Gentile, “The problem of the Party in Italian Fascism.” *Journal of Contemporary History*. Vol.19,1984),255.

<sup>224</sup> See on this: Massimo Consoli, *Homocaust. Il Nazismo e la Persecuzione degli Omosessuali*. (Milano:Kaos,1991)

Germany which culminated in anti-Semitic campaign, and the dramatically increased repressive measures against homosexuals between 1939-41. However, blaming Italy's growing affiliation with Germany for the radicalization of homophobic atrociousness would be a simple explanation.

Homosexuality imposed danger on Fascism's compact and exclusive notion of gender roles which were considered as the base of Fascist society. The Fascist educational, pedagogic objectives wished to consolidate the myth of the New Man, and create an insurmountable barrier against the xenophile trends which concurred with gender confusion, progressive defeminization of woman and emasculation of men. To defeat this danger, re-elaboration of homosexual stereotypes, which already existed in the Italian positivist culture, reinforcement of clichés, and creation of new ones more corresponding to the Fascist views, proved to be effective means. It is clear, how the Fascist concepts on sexuality tended to regard the homosexual practice as a significant obstacle of its goals, and endeavoured to conceal and “heal” this painful sore on the body of the nation. Racial and moral purity of Italy had to safeguarded: the fight against the vice of homosexuality assumed form of a battle against the abjection of social structures and political institutions. Adherence to the German example and the introduction racial politics, served to reinvigorate the deeply embedded homophobic trends in Italy, which existed even before the advent of Fascism. After 1938, homosexuality will be judged for not only being a menace good morality and decency but for inflicting danger on the integrity the race. The intensified repression of homosexuals and the regime's admission of racial laws were similar products of the same ideological package of by which Fascism desired to impose radical changes on the Italian society and make it authentically and unchangeably Fascist.

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