

The Republic of Parties: From Singular to Plural in the 1948 Italian Constitution

BENEDETTA BARBISAN

1. *When Political Parties and the Constitution Met: How To Make a Form of Government Deliberately Inefficient and Unstable*

To understand what occurred in the proceedings of the Constituent Assembly¹ and how the new form of government was engineered, we need to start our story before, in fact from the so called *svolta di Salerno* (turning point of Salerno) in April 1944, when the leader of the Communist Party, Palmiro Togliatti, put forward the idea of a compromise between antifascist parties gathered in the CLN, the House of Savoy and the Prime Minister, Marshal Pietro Badoglio, to create the first government of national unity since Mussolini's deposition.

In the late summer 1943 – after the fall of the fascist regime caused by the Grand Council of Fascism passing a vote of no confidence against Mussolini –, a network of committees mushroomed in several cities and provinces for the purpose of coordinating the political and military activities of

the Resistance. The national flag might have sufficed against the Germans, but, against Mussolini's puppet Fascist Social Republic in the North and the royal dictatorship in the South, Italians needed a new banner of democracy that only the committees could champion. Symbolising the democratic political unity of the country, the CLN was «the most important political innovation of the Resistance»².

The CLN was composed of the Communist Party (PCI), the Socialist Party (PSI-UP), the Action Party (Pd'A), the Christian Democratic Party (DC), the Labor Democrats (LD) and the Liberal Party (PLI), each accorded an equal voice. During the years of the exile in France, the antifascist groups had attempted to stay together, but in 1933 the effort had definitively failed. It was immediately after the armistice, then, that the CLN self-attributed a true constituent power in the guise of an original public institution³.

The ethos and nature of the CLN is worthy of closer attention, both for the role

it played in those years and for its flaws, foreshadowing future dysfunctions and even pathologies of the Republic's institutional system. Operating an irreplaceable political and institutional part within the provisionary system, the CLN became a Parliament-like body⁴ in a *de facto* parliamentary form of government⁵. The CLN located in the South struck a political deal with the Crown with the turning point of Salerno, whilst in the North the National Committee for the Liberation of Northern Italy (CNLAI) acted as a revolutionary force in the territories occupied by the Nazis or under the rule of Mussolini's Social Italian Republic and as a ruler in the zones gradually liberated.

The CLN experience in the Italian democratic transition did not resemble other coeval national liberation movements, like the Yugoslavian or the French, headed by charismatic leaders as Josip Broz Tito and Charles De Gaulle. On the contrary, the CLN was always directed by a coalition of political parties and operating under the rule of unanimity and equal representation. All the forces convened in the CLN were unanimous in pursuing the Liberation, but not as much in singling out the aims to achieve and in drafting a political program of the Resistance⁶. What the political parties collected in the CLN were skilful at was approaching democracy by providing representation, but they could not be as much resourceful at organising that representation. As a result, the CLN ended up tracing out worn out models of Italian institutional past⁷.

The first government of national unity forged in Salerno in April 1944 involved all the parties included in the CLN and was presided over by Marshal Badoglio. The

deal was closed on the firm understanding that, retaining the formal ownership of the throne, the king Victor Emmanuel III handed over the royal prerogatives to his son, Umberto, as Lieutenant General of the Realm⁸.

Marshal Badoglio, that had until then opposed the collaboration with the underground parties, felt obliged to abide the agreement also in light of the declining reputation of the Crown to the benefit of the CLN⁹. But Badoglio would remain in power less than two months, resigning right after the liberation of Rome from the German occupation, on 8 June 1944. Ivanoe Bonomi, the President of the CLN, was then entrusted with forming the second government of national unity in virtue of the support offered by all the parties of the CLN. With public institutions collapsing and the moral fibre of the nation decomposing, the commitment political parties were capable of in that phase through the CLN allowed the participation of popular masses in the democratic rebirth of the country¹⁰.

The transfer of power from Badoglio to Bonomi took place in the lapse of just few days, but it amounted to a radical constitutional transition, with an unprecedented gain in importance for the CLN's political parties: on 22 April 1944, Marshal Badoglio and his ministers had sworn in before the king, according to the precepts of the Albertine Statute; on 18 June 1944, instead, Bonomi installed his government as the direct expression of the CLN's parties. By 18 April 1945, the date of the first national elections after the war, the monarchy, the army, the liberal élite were all already out of the picture, with CLN's political parties remained as the sole interlocutors for the Allies. So much had been slow the evolution

of popular political parties under the monarchy how fast and profound their transformation between 1943 and 1948¹¹.

After the end of the war, the major issue was how to generate democracy in Italy. On this account, there were those, like Ferruccio Parri, who contended the failure of democracy in Italy even before the coming of Mussolini, having been fascism a litmus test of sorts of the evils already affecting Italian institutions; on the other side, Benedetto Croce asserted that Italy had experienced a real democratic development between 1860 and 1922 and exhorted to restart from there to found a new democracy. For the former, Italy had a democratic *will* but not a democratic regime to look up to; for the latter, the past would teach the future. Whether Italy had ever known democracy was, then, what the dispute was about¹².

An *undemocratic* mass society was the critical heritage fascism had left behind, and the major challenge the Italian transition after the war would pose is the access of these popular masses in a newly established democracy. After the First World War, both Mussolini and Don Luigi Sturzo, the founder of the Popular Party, had realised that the state had to be restructured entirely and masses finally pulled into public political life. The Fascist National Party (PNF) was used to build a mass society inside a totalitarian regime. Once it lost its general approval – not for the entry into the war or because of the antifascist wave, too feeble and almost non existing, but by implosion, by inner erosion¹³ –, it had already indelibly marked not only Italian laws and institutions, but, more importantly, Italians' mentality.

The debate inside the Constituent Assembly mirrored this climate and the lat-

est momentousness of the parties that had animated the CLN. We saw already that the germinal idea of a constituent phase had been concocted between the fall 1943 and the early 1944, during the intricate negotiation in Salerno among the Crown, the political parties and the Allies. The parties inside the CLN envisioned the involvement of the people as the most befitting solution to sort the Italian crisis out, also because they wanted to ease the work of the Constituent Assembly. Also the monarchy and the representatives of the Allies were in favour of this option, convinced in this way to get better chances to survive.

The process of devising the form of government put at its very core two ingredients: the centrality of political parties and the refusal of any snap decision method. On 20 November 1946, Giuseppe Dossetti proposed an agenda (*ordine del giorno*) for the acknowledgment of constitutional prerogatives to political parties, as suggested by Lelio Basso the day before. Although this agenda was never discussed, it reveals the inspiration underneath, aiming at locating political parties in the very bosom of the new institutions. And the discussion on how to design the form of government was conducted on the implied premise that political parties could manoeuvre it.

A few key sessions within the Constituent Assembly outlined this address. On 4 and 5 September 1946, three positions emerged concerning which form of government to introduce: firstly, everybody, with the sole exception of the Action Party (Pd'A)¹⁴, was against presidentialism and inclined to promote a parliamentary government; secondly, catholics and liberals were endorsing a more rationalised system; thirdly, socialists and communists insisted

on avoiding too rigid constitutional limitations on the form of government. On this latter account, it was the member of the Communist Party Giorgio Amendola that, on 5 September 1946, delineated this viewpoint:

Although it is evident that a democracy must embrace a model of stability, if governing and realising a program is the goal, that stability cannot be achieved through legislative devices; on the contrary, *discipline and stability in a form of government derive from a political conscience that democratic political parties are in charge of generating*¹⁵.

In his analysis, the unprecedented involvement of great popular movements in the political life, the contrast between new social claims and the forces resisting their fight, had provoked the institutional instability that had characterised the first decades of the Twentieth century. Only the action of political forces, then, could generate discipline and stability of the system, insufflating life into institutions even through political crisis endangering the efficiency of the government but allowing a gradual adaptation and preventing deeper fractures. Being aware of the fluidity and undetermination of the political situation, Amendola maintained that omitting constitutional stability, while giving political parties leeway to define their balance of power, seemed the most recommendable approach.

Even on the side of the Christian Democratic Party (DC), the leader Alcide De Gasperi was very critical against any attempts to strengthening the executive branch. After all, the 'provisionary constitution' in force between 1944 and 1948 had already embraced a plain parliamentary form of government – with the Constituent Assembly acting as a parliament, although deprived

of the legislative power¹⁶ –, rationalised but not too vigorously: for instance, with reference to the relation between the executive and the Constituent Assembly, Article 3, paras. 3 and 4, D. Lgs. Lgt. n. 98/1946 provided for the executive to resign only if an absolute majority of the Assembly passed an explicit vote of no confidence and not by virtue of a simple vote against the government.

However, on that very same day, the representative Egidio Tosato of the Christian Democratic Party presented the idea of a *constructive* vote of no confidence, similar to what the German Basic Law would codify the next year in its Article 67. Tosato believed that only a rationalised parliamentarism could keep up with a presidential form of government and in this spirit presented the following text:

For a vote of no confidence, at least a third of representatives of both Chambers shall deliver a motivated motion of censure to the President of the Republic. The Head of State shall convene the Chambers and, should the majority pass the vote of no confidence, the first signatory of the motion shall be considered the designated President of the government. Were several votes of no confidence presented and passed, the first signatory of the motion of censure gaining the relative majority shall be the designated President of the government.

This forward-looking suggestion, alongside with his notion of chancellorship¹⁷, that came from Tosato's meditated knowledge of Leon Blum¹⁸ and others according to which the frailty of democracy is the frailty of the executive power¹⁹, would get progressively eroded during the meetings of the assembly.

With the benefit of hindsight, the true day of reckoning within the Constituent Assembly was 6 September 1946, when

the Republican Tomaso Perassi noted that a parliamentary system could not be disjoined from the necessary stability devices to ward off a parliamentary degeneracy and therefore proposed an agenda (*ordine del giorno*) to address the constitutional discipline of the parliamentary form of government. At that point, then, the kernel of the debate was not between a presidential or a parliamentary system, but between a parliamentarism endowed with stability contrivances or devoid of them.

Yet, Perassi's proposal was never placed on the agenda. Three months later, in December 1946, the discussion on the Head of State and the executive will take place in an altogether mood: this is the time of the socialist split²⁰ and Alcide De Gasperi is about to fly for the first time after the war in the United States. By May 1947 when, with the empowerment of the fourth government led by Alcide De Gasperi, the left-wing parties are ousted from the antifascist coalition operating since 1944²¹, everybody is in fear that the political opponent could disregard the democratic rules, upset the public order and even re-enact the tyranny. Mutual suspicion was the watchword. Needless to say, all that political parties could aspire to achieve was a weak government, with no constitutional dispositions to safeguard its efficiency and reinforce its stability, capable of wearing out whatever majority in power.

The mutual mistrust of political parties, on one hand, and the political conscience they were in charge of bringing into being, on the other, caused the frail, unstable, inefficient institutional arrangement that was born with the 1948 Constitution. The debate on the form of government was perhaps the richest and most intriguing of the

entire process²². As unexpected as it may sound, the least rationalised parliamentarism that prevailed in the end, mainly endorsed by the Communist Party, had been totally minoritarian before the Constituent Assembly. Two institutions, in particular, attracted the highest regard: the President of the Republic, accordingly with the classical prerogatives attributed to the Head of State in the constitutional monarchy, and the Constitutional Court, to counterbalance the Parliament. It was the executive power that stayed in the shadows.

Abundance of mutual guarantees and paucity of discipline, we could say, were the strongest suits of the new institutional machinery. Certainly, in those years political parties were utterly strong, but not only because in that time Twentieth century societies like Italy naturally tended to see themselves in big popular parties, as Maurice Duverger theorised²³. They were strong because they could legitimize the state, they *were* the state, for the state, in the person of the monarch with his government, had escaped and stopped to function, while political parties in the CLN had assured the operativeness of the essential services, starting with the daily distribution of milk. They felt strong because they did represent the only hope to redeem Italians' dignity²⁴.

2. *Parliamentarism as the container of political parties' power: the ineliminable bequest of the past*

One of the long-lasting and most negative effects of the fight among political parties in the infancy of the new democracy was the initiation of a staunch party affiliation,



1948 electoral campaign

juxtaposing separate political identities and, accordingly, unnerving a sentiment of national identity and democratic citizenship²⁵. In this phase, political parties' action was twofold: on one hand, within the Constituent Assembly they could translate the experiences and values of the people especially into the first part of the new Constitution, laying the foundation of a potentially accomplished democracy; on the other, though, they developed separate, conflicting identities. If, through the Constitution, they created an unprecedented democratic arena, at the same time, by advocating and voicing the interests of their respective communities, they became the surrogate for democratic institutions²⁶.

Paired with a poorly rationalised parliamentarism, the new democracy decided on a method of proportional representation to elect its representatives. It was after all the only possible choice to make such radically divergent, ideologically incompatible popular parties coexist. Ultimately, the deal the Constituent Assembly struck meant to defer the true democratic revolution some time in the future and to give up any modernization of the parliamentary system²⁷. The worst use of power by political parties to achieve a large popular approval would compensate for the lack of rationalisation in the form of government.

Therefore, the 1948 Constitution ended up engineering a model of parlia-

mentarism very much in continuity with the previous experience of the Albertine Statute, that Augusto Barbera has called a *pseudo-parliamentarism*²⁸. Between 1861 and 1922, the Crown had never lost its grip on the executive power, always retaining the last word on the ministers' appointment and exerting a veto power against the Parliament in lack of true political leaderships. The absence of political leaderships was due in the first place to a very slim popular participation in the political representation that never really increased – if, in 1861, right after the Unification of the country, only 1.9% of the people was allowed to vote, in 1909 the percentage had grown to 8.3 only²⁹. Even after the electoral reform of 1882³⁰, the opposition against the enlargement of the suffrage was still rather strong: political rights had to be accorded to *things* and not to citizens – representation of the land, since the Middle Age the source of sovereignty, and not of men³¹.

Such a narrow suffrage had caused a substantial delay in the creation of mass political parties, in lack of which it was very hard for the Presidents of the Council of Ministers to follow a coherent political guidance and to count on stable parliamentary majorities, possibly curbing the engagement of the Crown. As a result, between 1861 and 1922, a sequence of 60 executives, presided over by 26 Presidents of the Council of Ministers, followed, with an average duration of 9 months, not too far from that of the Republican era³², when the democracy of political parties replaced in the end the democracy of notables.

The Italian Republic as we know it has very little to do with that designed in the Constitution, and this is for two reasons³³: the first is the *viscous force of the past*, with

the old institutional system outliving the Constitution. The second is the evolution of the party system during and after the constitutional convention. Too heavy, then, was the burden of the past institutional tradition, especially among the old liberal establishment, to draw attention to the deficiencies of parliamentarism and the proportional system. But how heavy and in what sense? How is the 1948 Constitution consecutive of the Nineteenth early Twentieth century constitutional practice? In this concern, two patterns seem relevant: the imprints of the Albertine Statute in the 1948 form of government and the identification between the party and the state in the fascist regime as the paragon for Republican political parties.

On the first account: the king Carl Albert had proclaimed the Albertine Statute as the fundamental law of the monarchy «perpetual» and «irrevocable», qualifications that made the Statute appear excessively rigid, hindering a further dialogue between the king and the nation. Thanks to the President of the Council of Ministers, Camillo Benso di Cavour, that in 1863 explained that only the pact underneath the Statute was perpetual and irrevocable, the fundamental law could live and evolve. In this vein, the Statute provided in Article 2 that the institutional machinery, never intended to function as a parliamentary form of government, was «a Representative Monarchical Government», the king firmly clutching the control on the executive but, at the same time, involving somehow the parliament in the support of the government, although not as an exclusive source of legitimization. These were the conditions for a double confidence. Yet, what we would tend to dispose of as an unresolved

ambivalence of the Statute was in reality its most appreciated virtue: the flexibility of the form of government preventing drastic unilateral fractures and easing a gradual, reassuring development – a balance between the monarchy and the representation without leaning towards one or the other once and for all³⁴.

Adaptability, moderation, balance: this was the constitutional heritage the Statute had been very efficient to keep safe. No wonder that, for example, when the Constituent Assembly discussed the establishment of a Constitutional Court, the old liberal leader Vittorio Emanuele Orlando, the former President of the Council of Ministers to the Paris Peace Conference, objected that, by introducing such rigid, formal control over public powers, Italy would lose its national tradition³⁵.

The Albertine Statute, then, would be able to offer guidelines only in the negative: firstly, the ruling class of the CLN considered it the anteroom of fascism or, in the best case scenario, the last defensive line of the monarchy. Secondly, and most importantly, it embodied the void of an 'institutional strategy'³⁶ useful for the design of a more stable and efficient form of government. As a result, the new form of government was surely equipped to soften the challenges, but not to respond forcefully to any; to absorb the transformations, but not to promote any; to accommodate itself but not to innovate; to centralise instead of facilitating a democratic change in power³⁷.

The second account is the legacy of the fascist regime, the heaviest impending on the development of political parties in the newly devised democracy. The mark impressed by the National Fascist Party (PNF) was indelible, but – to understand the pro-

cess leading to Article 49 of the 1948 Constitution disciplining political parties, their taking roots in the Republican institutions and their degeneration – we need first to take a step back and to reconstruct the doctrine of the political party since the Nineteenth century.

3. *Political Parties: From One to Many?*

As we noted above, within the Constituent Assembly the cooperation among political parties was difficult and littered with misunderstandings from the very start: the elections of 2 June 1946 would show that the country still leaned towards the political right, embittering the left parties and revitalizing the most conservative of Catholics. The long-lasting effect of this ulcerated landscape would instil a strong sense of juxtaposed political affiliations in the Italian popular culture and, consequently, enfeeble a true national identity, a real democratic citizenship.

As the historian Pietro Scoppola maintained, the breakdown of the nation on 8 September 1943, when the armistice of Cassibile with the Allies entered into force, amounted to the disintegration of the national sentiment, opening a void in the public conscience of the people, and to the exasperation of the always typical Italian attitude of fending for oneself³⁸. As it was noted, after the armistice and the king's escape, men and women were devoid of any state protection, left alone with themselves and their lives³⁹. Political parties filled that void and guided the country through the hardships towards the democratic transition. Such pre-eminence of political parties

should have required a firm control on their internal democracy, as Costantino Mortati had suggested⁴⁰. But even this proposal, just like Perassi's agenda, encountered the strenuous opposition of the Communist Party and was rapidly discarded.

What model of political party was then adopted in the 1948 Constitution? Which rules were introduced both for their public role and their internal functioning? As a matter of fact, Article 49 presented some special novelty with reference to the Nineteenth century liberal doctrine: old politicians and legal thinkers like Vittorio Emanuele Orlando – according to whom the majority supporting the government could not correspond to a majority of parties, otherwise it would endanger the balance between the monarch and the Parliament so hardly enforced after the Albertine Statute – had endorsed a *social* notion of the party, moving from what established in Article 6⁴¹ of the 1789 French Universal Declaration of the Rights of Man and of the Citizen, that does actually not mention political parties, but refers to people's representatives through which citizens can participate in the general will's foundation.

The people is sovereign, then, through its representatives, gathered in political factions, but not through parties, which can facilitate the citizens in concurring to the law in the capacity of a *social* body and certainly not of an institutional one⁴². Traditionally, political parties were the result of the spontaneous association of people and opinions, like the transfer in the public domain of the individual autonomy characterising the liberty of modern. The real turning point, though, occurred when new political parties started to flank those originated in parliament – groups representing for the

first time workers, classes, religions, and already operating within the society, even in lack of political representation⁴³.

Article 49⁴⁴, on the contrary, welcomed the idea of the political party as an *institution*: Santi Romano had already realised that parties could not be considered anymore like mere associations and even Costantino Mortati had maintained the urgency of such a shift towards more modern institutional conceptions⁴⁵. Three motivations sustained the need for this passage: firstly, the idea of 'people' or 'nation' had become more and more controversial, tightly embroidered with a plethora of potentially conflicting interests. Society was, then, the place of contrasts and peculiar claims, and not of unity. Secondly, before the multiplication of such juxtaposed interests, only political parties could aggregate claims. Thirdly, the party was intended as a faction counting for the whole – an entity capable of creating unity. As Maurizio Fiorevanti noted,

it was the role of political parties to overcome the indistinctiveness of popular sovereignty, to canalise the torment into a constituent effort, to discipline, make legal, produce the new constitution. In this sense, it can be said that political parties were the 'authors' of the Constitution⁴⁶.

Let us look at two European constitutions entered into force in those same years – the 1946 French Constitution and the 1949 German Basic Law: while the French Fourth Republic ignored altogether political parties, Germany gave up the neutrality towards political parties embraced in the Weimar Republic and, conversely, exalted the role of political parties in the newly established democracy; at the same time, the Basic Law disposed that every political party be required to abide by some fundamental

constitutional values (*die freiheitliche demokratische Grundordnung*) and hence to be subject to public control⁴⁷.

In this context, the Italian way constituted a middle ground: to begin with, the Constitution provided for political parties. This fact is relevant because the founding fathers broke with the tradition of neglecting the phenomenon of political parties. However, Article 49 is not placed under Title V, devoted to the organisation of the state, but under Title IV, reserved to political relations. The implications of this choice are far from being obscure: political parties were not treated as *institutions*, like gears of the governmental machine, but as a garrison for spontaneous association of citizens and, ultimately, for pluralism. In a comparative perspective with Article 21 GG, it is glaring that, whilst the Italian way focuses on the right of citizens to create political parties to facilitate their participation in the national politics, the German Basic Law attributes directly to political parties the function of taking part in the formation of the will of the people. So, differently from Article 21 GG devoted to political parties, the kernel of Article 49 are the citizens with their freedom. Lastly, Article 49 alludes to the democratic method within political parties, but without foreseeing any control by public authorities to check the practice of internal democratic processes.

According to this approach, then, the citizens are the promoters of a complex dynamic by which they elaborate their political agenda, creating or participating in a political party in charge of advocating the interest thereof: the party contributes to the definition of national politics and, in this way, fulfils the ideals of the citizens represented. Article 49 cares for the freedom of

citizens – and understandably so, after two decades of aphasia for any political party – commitment in the national politics analogously with the seminal role they had played in the transitional phase⁴⁸, but nothing is said about the in-between: what if the party method is less than democratic? The impact of a lack of internal democracy would be threefold: on the strategy and political program of the party; on the selection of candidates; on the appointment of managers and officers⁴⁹. But, as strange as it may sound, the 1948 Constitution does not propose any antibody nor offer any remedy to these very serious potential abnormalities.

The thing is that CLN's stakeholders had been not single political representatives or leaders, but political parties, inebriated with the finally regained status after the long fascist era. It is natural, therefore, that the Constituent Assembly treated political parties like *institutions* (for what they had done during the democratic transition⁵⁰) and that any restraints on their role were openly avoided. Article 49, then, exalted the intermediation of political parties between popular preferences and national politics, but too many problems hidden just around the corner were left unattended.

In the 70 years since the Constitution's entry into force, the distance between the idea of political parties dwelling in the mind of the drafters and the role they would in fact act within the institutional machinery has become unmanageable. In the Italian system, political parties are still *institutions* that think of themselves with no restraints. They have radically transformed through the impactful, traumatic events of the last 25 years – from the majestic collective organizations of the first half century of the Republic to the present-day

personal parties or movements that aim at getting rid of representative democracy –, but they are still tempted to subsume that old identification. It is as if political parties have moulted but their relation with power have stayed. And, most importantly, the Italian people seem to entertain the same expectancies from political actors, in spite of their radical mutation.

But political parties' identification with the state is a bequest of the fascist era. The idea, largely indebted to Benedetto Croce's interpretation and for decades prevalent among Italian legal scholars⁵¹, that Mussolini's regime was incidental in the Italian history is hugely misleading. It is undoubtedly reassuring for contemporary generations to mark a distance between that authoritarian experience and our previous or future institutions, but it corresponds more to a wishful thinking than to the truth of the matter⁵². 'Fascism has not been a parenthesis in the Italian history since Unification, but only a *bridge* between "before" and "after" – a long, painful transition'⁵³.

Three aspects of the Fascist National Party (PNF)'s action and significance seem conspicuously relevant to understand the long-lasting influence exerted on the Italian attitude towards political parties: on a first account, PNF was the only public channel that enabled the *political participation*, individual or collective, of the Italian people in the state; secondly, the overarching PNF touched the ordinary life of millions of men and women by administering the *welfare system* of the time; lastly, the membership to the PNF injected the notion of a *second citizenship* in the Italian society.

Despite the numerous amendments to its charter⁵⁴, the PNF always represented a very critical ambiguity of the regime.

Essential but cumbersome, functional but unsettling, powerful, too powerful, but in-suppressible, it was at the core of multiple tensions and conflicts – with the Ministry of Interior and the prefects, with the executive branch and its ministers, with the Grand Council of Fascism, with *il Duce* Mussolini⁵⁵. In 1925, after the entry into force of the so called *legge Acerbo*⁵⁶ and Giacomo Matteotti's murder⁵⁷, fascism was at some crossroads: either the PNF should coherently carry on with the purity of its origins or should it turn into a national party – the one party of the Italian people. In other words, the PNF should make up its mind whether to be a *party avanguard* or a *party collector*. This latter appearance would gradually take hold, being the PNF the fundamental connection between fascism and the masses, generating the intimate, indissoluble unity between the party and the state accordingly with an unprecedented model of immanence of the state in the society⁵⁸.

Since the mid-1920s, the PNF attended the task of guaranteeing the indispensable regime's legitimization through the organization of the masses and of using its pedagogy to instruct a new, ideal fascist leading class⁵⁹. In a speech pronounced before the second quinquennial fascist assembly in Rome on 18 March 1934, Mussolini proclaimed the strategic function of the PNF, 'the formidable instrument, and at the same time widespread, that leads the people into the general political life of the state'⁶⁰. The leader of the PNF, Achille Starace, set in motion three major policies: he extended the physical, tangible presence of the party to the tiniest alley, encompassing within the PNF the largest number of social institutions already existing; he grew the

influence of the party on the economic life of the country; lastly, he promoted the development of youth organizations to achieve the whole fascist education – spiritual, political, and warlike.

With such branched out structure, broadened to cover every single aspect of ordinary life, the PNF became the means for the modernisation of Italians, who got accustomed to its pervasive presence and learned through it what modernity entailed – radio, cinema, trains for the people, holidays at sea or in the mountains with sleep-away camps⁶¹. The PNF's mission was to make every Italian the perfect fascist, regardless of their social condition, sex, age, in order to create a political community integrated in the state⁶².

But the PNF was also a source of social protection for the individuals that were moving from the countryside to urban areas; it gave assistance for the accommodations, to find a job, to get ahead in one's profession, and was active with the utmost responsiveness in welfare policies⁶³. If the PNF was always excluded from the political address of the government, it was conversely located at the core of a system of social aid that affected quite permeatingly the common life of millions, young and old, children and parents, men and women, labourers and white collars, illiterate and well cultivated – what today we would refer to as the *welfare state* (to name a few, price control, rental market, job placement, job assignment in public offices, mass media management)⁶⁴. It was reported that, during the winter 1934, 1,750,000 families, equalling nearly 3 million people in total, had been daily supported with the distribution of 17,000 tons of white flour, over 17 million rations of beans, 14 million of rice,

over 5 million of milk, 33 million of people's meals (*rancio del popolo*), almost 10 million of school refectons, all amounting to more than 130 million liras⁶⁵. Kids involved in sleep-away camps reached half a million and instructions were imparted by the PNF for the national reforestation, wine transportation, fresh fruit consumption, the national festivity for grapes, the toy day, the protection of the Sardinian rough woollen fabric (*orbace sardo*)⁶⁶. The PNF took advantage of the legal vacuum in which associations had sprung and flourished during the Nineteenth-century liberal state promoting associations intervening in every moment of an average Italian's life: not one single profession, trade or craft, from birth to death, was left unattended – *figli della lupa, balilla, avanguardisti*⁶⁷. The PNF was always above them all like a *state-party*, an equivocal merge of public institutions and the PNF, symbolising, on one hand, the fatal attraction of the state to the party and, on the other, the infiltration of the party in the state⁶⁸.

The PNF leader Achille Starace was especially eager to translate into practice Mussolini's watchword *to get close to the people*. Through this system of welfare, the greatest majority of Italians became dependent on the PNF, with a remarkable growth in terms of enrolments in the party⁶⁹. Such a capillary intervention of the PNF in response to the most fundamental population's needs in everyday life engendered the divide between fascist and non-fascist Italians, the membership to the PNF functioning as the basic pre-requisite for a full enjoyment of citizenship rights⁷⁰.

In Matteotti's poignant, prophetic words,

Being fascist is, in sum, *a second and more important Italian citizenship*, in lack of which civil rights, the right to vote, the freedom of establishment and movement, the right of assembly, employment, the freedom of expression and even of thought cannot be practiced and enjoyed⁷¹.

Many decades later, Pietro Scoppola has enlightened this anomalous, endurable notion of citizenship rooted in the Italian civic identity with rare clarity and discernment:

Citizenship in Italy is a legal notion, devoid of the sociological, cultural and moral acceptance typical of other countries [...]. Fascism has realized the accession of masses to politics through political parties in the guise of a *political religion*, but political religion is altogether different from a democratic sense of citizenship. The post-war ideological juxtapositions, in the climate generated by the political fight against communism, have assumed the form of 'political religions' [...]. But political religions are not easily compatible with a good functioning of democracy⁷².

Political religions and churches are now buried in a remote past. And yet the attitude towards political parties has not changed so remarkably: in spite of the different circumstances of their genesis, the relation parties develop with citizens, on one side, and with power, on the other, has not sensibly changed. The *expectations* of voters are not changed – revolving today around a political leader and not around an ideology anymore – nor has the *occupation of institutions* changed.

On 21 April 1993, the then President of the Council of Ministers, Giuliano Amato, stepped down after the referenda aiming at reforming the parliamentary electoral system had collected a wide consensus among the population. In his intervention before the House of Representatives⁷³, he acknowledged a true regime change: the type of party-state – i.e. a party predominantly

inhabiting state institutions – introduced with fascism in the singular and adopted by the Republic in the plural was about to die. The assertion stirred a hornet's nest⁷⁴ and Norberto Bobbio for one warned Amato against perilous misunderstandings⁷⁵ in the attempt of striking inappropriate comparisons. The day after, Amato replied to the many reactions to his speech and explained that 'it is a fact that the regime established on political parties acquiring consensus through the use of public institutions was born in Italy with fascism'⁷⁶. Then, the party system during the Republic degenerated when its legitimization came more from inhabiting the institutions than from its rooting within the society.

Do Giuliano Amato's words still speak to us after 25 years? Should we keep seeing the Italian form of government solely as the arena for winning political parties to exert their power? And, more importantly, do political parties still see the form of government in this self-referential perspective?⁷⁷ Ideologies have wiped out, traditional parties have vanished, new political subjects and protagonists once raised as top-billing actors have fallen to meagre supporting roles. Everything has changed along the road of Italian politics. Still, voters' endorsement evaporates with the utmost immediacy, messianic leaders are worn out in a heartbeat, affiliation is nomadic and extremely volatile. For a present-day political movement, putting down roots in the Italian electorate is but an easy task and every campaign for the ballot box may shrink to a race for power, oblivious of the past like in an ideal year zero, as if the Italian identity is an instantaneous invention and not the outcome of a decades-long Constitution.

¹ The Constituent Assembly included 556 representatives chosen in the election of 2 June 1946. 207 seats were attributed to the Christian Democratic Party (DC), 115 to the Socialist Party of Popular Unity (PSIUP), 104 to the Communist Party (PCI), 41 to the National Democratic Unity (formed by liberals, laborists and independents), 30 to the Uomo Qualunque Front, 23 to the Republican Party, 16 to the National Bloc of Freedom (*Blocco nazionale delle libertà*), 7 to the Action Party (*Partito d'Azione*) and the remaining 13 to other minor lists. Left-wing parties together amounted to 219 seats corresponding to 39% of votes, the DC had 35%, 8% was represented by revanchist movements (fascists and monarchists), while the others were scattered in minuscule percentages. As for the internal organization of the Constituent Assembly, since it started to work without a draft of constitution to discuss, it was created a special commission of 75 members (*Commissione dei 75*), proportionally selected, to prepare a constitutional project. On a proposal from its President, Meuccio Ruini, three sub-commissions within it were instituted: the first to debate the rights and duties of citizens, the second on the constitutional organization of the state, and the third on the economic and social principles (see E. Cheli, *Il problema storico della Costituente*, in «Politica del diritto», n. 4, 1973, pp. 494 ff.).

² Ch.F. Delzell, *The Italian Anti-Fascist Resistance in Retrospect: Three Decades of Historiography*, in «The Journal of Modern History», n. 47, 1975, p. 68.

³ C. Lavagna, *Comitati di liberazione*, in *Enciclopedia di Diritto*, vol. VII, Roma, Ist. Enc. Ital., 1960, pp. 778-786. Before its institution-like role, it is worth recalling the CLN's origin, ignited by the spontaneous involvement of the people – a pack of volunteers from nearly every social group

and cultural milieu: communists, catholics, socialists, anarchists, republicans, workers, intellectuals, privates, officers, draft evaders, students, artisans, peasants, mountaineers – and certainly not by parties' organisation. «Every pack is a fire that bursts out of many political hopes, moral tensions and emotions, included fear of a sting against draft dodgers and of raids to ship men to force labour in Germany, young rebels refusing the righteousness, discipline or hierarchy so inherently emeshed in the conformist turpitude fascism had exerted on people's lives. Therefore, the no-man's land Italy was at the time under the German occupation was teemed with flashes of those fires that, over the months and seasons, blazed, got now closer, then farther, extinguished and bursted again. [...] The pack is a fire of lives and choice, it's the small world where, in hatred of fascists and Germans, draft dodgers, degenerate soldiers, labourers, craftsmen and students found their homeland. A homeland made of personal relations that thicken with time and under danger and that political parties gradually try to interfere with their personnel and measures. The birth of packs is spontaneous: parties and the CLN will show up later, generating a crucial connective tissue among the various partisan groups, but they existed already and lived through its own strength fuelled with the commitment of every single member determined to learn how to shoot' (G. Filippetta, *L'estate che imparammo a sparare. Storia partigiana della Costituzione*, Milano, Feltrinelli, 2018, pp. 1751-1767).

⁴ C. Mortati, *La Costituente. La teoria, la storia, il problema italiano*, Roma, Darsena, 1945.

⁵ G. Guarino, *Due anni di esperienza costituzionale italiana*, in «Rassegna di diritto pubblico», 1946, pp. 61 ff.

⁶ C. Pinelli, *Comitati di Liberazione*

Nazionale, in *Enciclopedia giuridica*, vol. VI, Roma, Istituto Enciclopedia italiana, 1988.

⁷ Ivi, p. 8.

⁸ The appointment of Umberto di Savoia as the Lieutenant General of the Realm (of the Realm and not of the King to emphasise the connection with the state and not with the dynastic heritage) put the institutional quandary of the monarchy off and opened the door to an institutional truce. On 25 June 1944, Umberto signed the D. Lgs. Lgt. n. 151/1944, establishing that, «after the liberation of the entire territory of the nation, the institutional form will be chosen by the Italian people that, through universal, direct, secret suffrage, will elect a constituent assembly to draft the new constitution» (Article 1). At the time of the turning point of Salerno, then, the Constituent Assembly was supposed to decide in favour either of the monarchy or the republic. It was two years later, with the D. Lgs. Lgt. n. 98/1946, that the choice shifted to the electorate (see Cheli, *Il problema storico della Costituente*, cit., pp. 487-488).

⁹ S. Bonfiglio, *I partiti e la democrazia. Per una rilettura dell'art. 49 della Costituzione*, Bologna, il Mulino, 2013, p. 51.

¹⁰ See R. Cherchi, *La forma di governo dall'Assemblea Costituente alle prospettive di revisione costituzionale*, in <www.costituzionalismo.it>.

¹¹ S. Vassallo, *Il governo di partito in Italia (1943-1993)*, Bologna, il Mulino, 1994, pp. 101 ff.

¹² In that phase, then, democracy was not a clear notion nor a defined set of common values; rather, it represented an arena of harsh political unrest. See P. Scoppola, *La Repubblica dei partiti. Evoluzione e crisi di un sistema politico: 1945-1996*, Bologna, il Mulino, 1997, pp. 55 ff.

¹³ In this sense, see ivi, pp. 435 ff.

¹⁴ Always on 5 September 1946, Piero Calamandrei of the Pd'A asserted that «Law cannot change

the reality, but may be one of the stimuli to bring into political life the uses and methods to change the social reality». To the arguments of those contending the uselessness of constitutional norms, for constitutions cannot come in useful in changing the society as it is, he objected that the laws had a pedagogic value and effectiveness. «To function, democracies need to have a stable government: this is the fundamental problem of democracy. If a government cannot express a government that governs the country, it is fatally doomed. [...] Dictatorships do not descend from governments that govern and last, but from the impossibility for democracies to govern».

¹⁵ Giorgio Amendola, speech during the meeting of 5 September 1946 (italics added).

¹⁶ See Article 4, D. Lgs. Lgt. n. 151/1944 as modified by Article 3, D. Lgs. Lgt. n. 98/1946.

¹⁷ With reference to the formation of the government, Tosato proposed that the President of the Republic conducted consultations to make a list of potential candidates for the premiership to be voted by the Chambers. The President of the Republic would appoint the candidate elected.

¹⁸ Leon Blum had written his *La Réforme gouvernementale* in 1918, even though narrowly circulated, and reprinted it in 1936, at the time of the *Front Populaire*. In it, he had tackled the problem he defined *le travail gouvernemental*, that is the set of institutional transformations necessary to a modern polity, according to which the Parliament remains the controller and inspiration of the Government, but with a strong, unifying address determined by the head of the executive, that the people entrust with their sovereignty.

¹⁹ G. Amato, *Egidio Tosato e le ragioni dell'esecutivo*, in M. Galizia (ed.), *Egidio Tosato costituzionalista e costituente*, Milano, Giuffrè, 2010, p. 78.

²⁰ After its fusion with the Proletarian Unity Movement in August 1943, the Socialist Party, known now as the Italian Socialist Party of Proletarian Unity (PSIUP), underwent the split of the social democrats in 1947 that created the Social Democratic Party (PSDI).

²¹ See F. Grassi Orsini, *I liberali, De Gasperi e la «svolta» del maggio 1947*, in «Ventunesimo secolo», n. 3, 2004, pp. 33-69 and G. Formigoni, *De Gasperi e la crisi politica italiana del maggio 1947. Documenti e reinterpretazioni*, in «Ricerche di storia politica», n. 3, 2003, pp. 361-388.

²² G. Amato, F. Bruno, *La forma di governo italiana. Dalle idee dei partiti all'Assemblea costituente*, in «Quaderni costituzionali», n. 1, 1981, pp. 33-85, 64.

²³ M. Duverger, *Les parties politiques*, Paris, Colin, 1951.

²⁴ G. Amato, *Per i sessanta anni della Costituzione*, in «Rivista trimestrale di diritto pubblico», n. 1, 2008, p. 162.

²⁵ Scoppola, *La repubblica dei partiti*, cit., p. 168.

²⁶ Ivi, p. 174.

²⁷ Ivi, p. 225.

²⁸ Barbera, *Fra governo parlamentare e governo assembleare: dallo Statuto albertino alla Costituzione repubblicana*, cit.

²⁹ These figures appear even more miniscule if compared with the gradually increased voting rights in the United Kingdom by virtue of the three major electoral reforms enforced during the Nineteenth century: the Reform Act 1832 raised the number of voters from 400,000 to 650,000, going from 4% of the population to 7%. The Second Reform Act 1867 increased to 2 million (16%) and to 28.5% in 1868. Finally, the Representation of the People Act 1884 brought the electorate to 5,5 million, corresponding to 60% of the male population.

³⁰ The electoral reform enforced with the law 7 May 1882, the majoritarian two-round, single

member constituencies system was replaced by a proportional, multi-member districts, list-voting system. Italy was divided in 135 constituencies, each of whom could elect between 2 and 5 representatives. The number of citizens enabled to vote passed from 621,896 to 2,049, 461 (6.9% of the population). Yet, abstention remained decidedly high, especially in the North (in Veneto 49.7%, in Piedmont 42.8, compared with Calabria (21.4), Molise (23.9) and Basilicata (27)). These figures account for the usual weakness of the Italian political system and against the erroneous idea – always very popular among constitutional engineers and politicians – that it is the political system that models the electoral system (see P. Pombeni, *La rappresentanza politica*, in R. Romanelli (ed.), *Storia dello Stato italiano dall'Unità a oggi*, Roma, Donzelli, 1995, pp. 87 ff.). The law 5 May 1891, then, will reintroduce the two-round majoritarian system to avoid local manipulations of the lists. Only the law passed on 26 June 1913 will achieve the quasi-universal suffrage, extended to male voters over 21 literate or over 30 illiterate. This reform raised the electorate to 8,443,205 voters (23.2% of the population).

³¹ Bonfiglio, *I partiti e la democrazia*, cit., p. 20.

³² Barbera, *Fra governo parlamentare e governo assembleare: dallo Statuto albertino alla Costituzione repubblicana*, cit.

³³ G. Amato, *Una Repubblica da riformare*, Bologna, il Mulino, 1980, pp. 49 ff.

³⁴ M. Fioravanti, *Costituzione e legge fondamentale*, in «Diritto pubblico», n. 2, 2006, p. 477.

³⁵ V.E. Orlando, *Studio intorno alla forma di governo vigente in Italia secondo la Costituzione del 1948*, in «Rivista trimestrale di diritto pubblico», n. 1, 1951, pp. 5 ff.

³⁶ Cheli, *Il problema storico della Costituzione*, cit., p. 491.

³⁷ G. Pasquino, *Art. 49*, in G. Branca,

A. Pizzorusso (eds.), *Commentario della Costituzione*, vol. 21, I, Bologna, Zanichelli, 1992.

³⁸ Scoppola, *La Repubblica dei partiti*, cit., p. 173.

³⁹ Filippetta, *L'estate che imparammo a sparare. Storia partigiana della Costituzione*, cit., pp. 25-31.

⁴⁰ This was the inspiration behind his proposal pursuing controls over the democratic structure and methods of political parties, for example on the procedures to select the candidates (see *Relazione sulla disciplina legislativa della formazione delle liste dei candidati alle elezioni politiche*, Ministero per la Costituente, *Atti della Commissione per il progetto di legge elettorale*, Roma, u.E.S.I.S.A., 1945, pp. 140-47), convinced, on one hand, that political parties constituted the democratic ground of the state, and consequently, on the other, that political parties couldn't but be submitted to external control of their democratic nature: «a state grounded on democratic grounds cannot tolerate that political parties refuse systems and methods of liberty in their internal structure», as he said at the Constituent assembly on 18 September 1947 (see C. Mortati, *Interventi alla Costituente*, in Id., *Raccolta di scritti*, Milano, Giuffrè, 1972, vol. I, p. 925 ff). On this note, see also O. Massari, *Mortati e il problema del partito politico*, in *Costantino Mortati. Potere costituente e limiti alla revisione costituzionale*, Quaderni di NOMOS - Le attualità del diritto, Padova, CEDAM, 2017, pp. 177-192.

⁴¹ «Law is the expression of the general will. Every citizen has the right to participate personally, or through his representative, in its foundation. It must be the same for all, whether it protects or punishes. All citizens, being equal in the eyes of the law, are equally eligible to all dignities and to all public positions and occupations, according to their abilities, and without distinction except that of their virtues and talents».

⁴² Between the first half of the Nineteenth century and the first of the Twentieth, the attention to political parties went through four stages according to Heinrich Triepel, *Die Staatsverfassung und die politischen Parteien*, Berlin, Otto Liebmann, 1927: from an overt hostility on the part of the State (*Bekämpfung*) to a manifestation of indifference (*Ignorierung*), to a legal recognition of political parties (*Anerkennung* and *Legalisierung*) to their inclusion in the State organisation (*Inkorporation*).

⁴³ The classical literature in this field is, among many others, M. Weber, *Politik als Beruf*, Leipzig, Reclam, 1992; R. Michels, *La sociologia del partito politico*, Bologna, il Mulino, 1966.

⁴⁴ «Any citizen has the right to freely establish parties to contribute to determining the national politics through a democratic method».

⁴⁵ Costantino Mortati's production shows his constant, always keen interest in political parties, witnessed by his specific contributions like *Sulla posizione del partito nello stato*, in «Stato e diritto», 1941, pp. 279 ff.; *Concetto e formazione dei partiti politici*, in «Quaderni di ricerca», n. 1, 1949; *Disciplina dei partiti politici nella Costituzione italiana*, in «Cronache sociali», 1950, pp. 25 ff.; *Sindacati e partiti politici*, in *Atti della XXI settimana sociale dei cattolici italiani*, Roma, Icas, 1952; *Note introduttive ad uno studio sui partiti politici nell'ordinamento italiano*, in *Scritti in memoria di Vittorio Emanuele Orlando*, Padova, CEDAM, 1957. He envisioned political parties as the joint among civil society, political society and institutions.

⁴⁶ M. Fioravanti, *Costituzione e popolo sovrano. La Costituzione italiana nella storia del costituzionalismo moderno*, Bologna, il Mulino, 2006, p. 77.

⁴⁷ Article 21 GG (*Grundgesetz*) provides:

«1. Political parties shall participate in the formation of the political will of the people. They may be freely established. Their internal organisation must conform to democratic principles. They must publicly account for their assets and for the sources and the use of their funds.

2. Parties that, by reason of their aims or the behaviour of their adherents, seek to undermine or abolish the free democratic basic order or to endanger the existence of the Federal Republic of Germany shall be unconstitutional. The Federal Constitutional Court shall rule on the question of unconstitutionality.

3. Parties that, by reason of their aims or the behaviour of their adherents, seek to undermine or abolish the free democratic basic order or to endanger the existence of the Federal Republic of Germany shall be excluded from state financing. If such exclusion is determined, any favourable fiscal treatment of these parties and of payments made to those parties shall cease.

4. The Federal Constitutional Court shall rule on the question of unconstitutionality within the meaning of paragraph (2) of this Article and on exclusion from state financing within the meaning of paragraph (3).

5. Details shall be regulated by federal laws».

⁴⁸ P. Ridola, *Partiti politici*, in *Enciclopedia del diritto*, vol. XXXI, Milano, Giuffrè, 1981, pp. 72 ff.

⁴⁹ Pasquino, *Articolo 49*, cit., p. 25.

⁵⁰ However, as much as it always oscillated between organisation and spontaneity, «the Resistance was a fine dust of individual choices, lives that rose up and mastered their own fate, joining the fires and gathering with others to give order and freedom to their living together» (Filippetta, *L'estate che imparammo a sparare. Storia partigiana della Costituzione*, cit., p. 185).

⁵¹ L. Paladin, *Fascismo (diritto co-*

- stituzionale), in *Enciclopedia del diritto*, vol. XVI, Milano, Giuffrè, 1967, pp. 887-888 was critical against the tendency to see fascism as the outcome of a fracture with previous institutions, even because, among other things, it would be far from simple to single out the event or historical moment when this fracture is supposed to occur, given the gradual and certainly not sudden fascist grip of power.
- ⁵² S. Cassese, *Lo Stato fascista*, Bologna, il Mulino, 2010, p. 267.
- ⁵³ Ivi, p. 231 (italics added).
- ⁵⁴ After the first charter of 1921, new versions of it will be promoted in 1926, 1929, 1932, 1938.
- ⁵⁵ See, in this regard, R. De Felice (ed.), T. Cianetti, *Memorie dal carcere di Verona*, Milano, Rizzoli, 1983, p. 201 and 201-12 and G. Bruno Guerra (ed.), G. Bottai, *Diario 1935-1944*, Milano, Rizzoli, 1989, p. 128. More generally, see L. Di Nucci, *Lo Stato-partito del fascismo. Genesi, evoluzione e crisi 1919-1943*, Bologna, il Mulino, 2009, pp. 423 ff.
- ⁵⁶ The so called *legge Acerbo* is actually the L. 18 November 1923, no. 2444, engineered by the then undersecretary to the Presidency of the Council of Ministers Giacomo Acerbo in pursuance of Mussolini's wish to have an electoral law for the House of Representatives capable of exalting PNF's representation. The *legge Acerbo* abrogated the proportional system in force since 1919 with a majority premium of 2/3 of the parliamentary seats assigned to the party reaching the quorum of 25 percent of votes. When the Council of Ministers approved the bill and sent it to the House of Representatives, its President Enrico De Nicola summoned a commission composed of eighteen members (Ivanoe Bonomi, Antonio Casertano, Giuseppe Chiesa, Alcide De Gasperi, Alfredo Falcioni, Luigi Fera, Giovanni Giolitti, Giuseppe Grassi, Antonio Graziadei, Pietro Lanza di Scalea, Costantino Lazzari, Giuseppe Micheli, Paolo Orano, Vittorio Emanuele Orlando, Raffaele Paolucci, Antonio Salandra, Michele Terzaghi, Filippo Turati) to discuss it. Several amendments were advanced, but in the end the bill was approved with a majority of 10 against 8. In the plenary assembly, the opposition parties still tried to reform it, but with no success, and the law was finally passed with 223 votes against 123.
- ⁵⁷ Giacomo Matteotti (1885-1924) was a socialist politician, leader of the Unitary Socialist Party after its division from the Socialist Party. Elected three times at the House of Representatives (1919, 1921, 1924), he conducted an overt, very vocal opposition against Benito Mussolini and his power. On 10 June 1924, he was bundled into a car and stabbed to death. His corpse was finally found after an extensive search north of Rome on 16 August 1924. Five men were arrested few days after the kidnapping (Amerigo Dumini, Giuseppe Viola, Albino Volpi, Augusto Malacria and Amleto Poveromo), but only three were convicted. King Victor Emmanuel III allowed their release under amnesty shortly after.
- ⁵⁸ G. Melis, *La macchina imperfetta. Immagine e realtà dello Stato fascista*, Bologna, il Mulino, 2018, p. 376. In the years 1926-30, when the PNF was managed by Augusto Turati, a myriad of apparently negligible measures were introduced to integrate the PNF into the state. The R.D. 12 December 1926, no. 2061, then converted into L. 9 June 1927, no. 928, would elevate the fasces to the Italian coat of arms; the R.D. 27 March 1927, no. 1048, would command its adoption to every administration; the R.D. 11 April 1929, no. 504, inserted it in the state seal.
- ⁵⁹ G. Melis, *Fascismo (ordinamento costituzionale)*, in *Digesto*, vol. VI, Torino, UTET, 1990, p. 266.
- ⁶⁰ Reported in Di Nucci, *Lo Stato-partito del fascismo. Genesi, evoluzione e crisi 1919-1943*, cit., p. 439.
- ⁶¹ L. Cafagna, *La grande slavina. L'Italia verso la crisi della democrazia*, Venezia, Marsilio, 1993, p. 62.
- ⁶² In this sense, see E. Gentile, *La via italiana al totalitarismo. Il partito e lo Stato nel regime fascista*, Roma, Carocci, 2018, pp. 186-190.
- ⁶³ Cafagna, *La grande slavina. L'Italia verso la crisi della democrazia*, cit. and Id., *Una revisione necessaria*, in J. Jacobelli (ed.), *Il fascismo e gli storici di oggi*, Roma-Bari, Laterza, 1988, pp. 20-25.
- ⁶⁴ P. Pombeni, *Demagogia e tirannide. Uno studio sulla forma-partito del fascismo*, Bologna, il Mulino, 1984, p. 261.
- ⁶⁵ Di Nucci, *Lo Stato-partito del fascismo. Genesi, evoluzione e crisi 1919-1943*, cit., pp. 45-54.
- ⁶⁶ Ivi, p. 454.
- ⁶⁷ Cassese, *Lo Stato fascista*, cit., p. 1130.
- ⁶⁸ With the fourth PNF charter passed in 1932, article 1 provided that PNF was a «civilian militia», «under the orders of Duce», «at the service of the state». As noted by Gaspare Ambrosini, *Il partito fascista e lo Stato*, Roma, Istituto nazionale fascista di cultura, 1934, the PNF had finally become «an institution of the state» (reported in Melis, *La macchina imperfetta. Immagine e realtà dello Stato fascista*, cit., p. 3995).
- ⁶⁹ Between October 1932 and October 1933, the members of PNF passed from around a million to nearly a million and a half (R. De Felice, *Mussolini Il Duce. Gli anni del consenso (1929-1936)*, vol. I, Torino, Einaudi, 1974, p. 224. See also Di Nucci, *Lo Stato-partito del fascismo. Genesi, evoluzione e crisi 1919-1943*, cit., p. 440).
- ⁷⁰ Di Nucci, *Lo Stato-partito del fascismo. Genesi, evoluzione e crisi 1919-1943*, cit., p. 424.
- ⁷¹ G. Matteotti, *Un anno di dominazione fascista*, Milano, Rizzoli, 2019 (orig. 1923), p. 96 (italics added).
- ⁷² Scoppola, *La Repubblica dei partiti*, cit., p. 529.

- ⁷³ The parliamentary debate can be retrieved in its entirety from http://legislature.camera.it/_dati/leg11/lavori/stenografici/stenografico/34736.pdf.
- ⁷⁴ S. Lupo, *Partito e antipartito: una storia politica della Prima Repubblica, 1946-78*, Roma, Donzelli, 2004, p. 16 spoke of 'revisionist cacophony' (*cacofonia revisionista*).
- ⁷⁵ N. Bobbio, *Presidente non faccia confusione*, in *La Stampa*, 23 April 1993.
- ⁷⁶ The parliamentary debate can be retrieved in its entirety from http://legislature.camera.it/_dati/leg11/lavori/stenografici/stenografico/34736.pdf.
- ⁷⁷ Amato, *Per i sessanta anni della Costituzione*, cit., p. 164.