

PUBLIC ORDER AND PRISON DETENTION IN LIBERAL ITALY: *Between Repression and Guarantorism*

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

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

Introduction

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

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

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

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

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

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

Formally defined as the suspension of constitutional frameworks

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

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

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

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

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

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

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

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

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

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

legitimacy.

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

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

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

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

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

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

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

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

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

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

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

250-268, p. 253.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

brought the situation under control. The state of siege itself, however, persisted far longer than the emergency that justified it, remaining in force until 11 July 1849.²³ Over three months, Genoa endured one of the first systematic campaigns of general civilian disarmament conducted by a legitimate constitutional government rather than by foreign occupation forces, undertaken explicitly to restore order in response to an internal civil crisis. For this reason, the episode's significance extended considerably beyond the specific case, as it spurred a broader institutional reflection on the reach of state authority and the legitimacy of extraordinary measures, lending future interventions a legitimacy that would prove consequential.

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

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

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

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

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

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

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

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

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

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

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

²⁷ Durando's Decree, 9 March, Art. 1, in «Gazzetta del Popolo», 10 March 1852, V, 60.

²⁸ «Gazzetta del Popolo», 22 March, V, 70; «Italia e Popolo», 13 March 1852.

²⁹ «Gazzetta Piemontese», 2 March 1852, 59.

³⁰ G. Sotgiu, *Storia della Sardegna dopo l'Unità*, Roma-Bari 1986, p. 40.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Conclusion. Postwar Applications and Contemporary Legacies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁷⁵ Sbriccoli, *Caratteri originali e tratti permanenti del sistema penale italiano*, pp. 485-487.

⁷⁶ Bascherini, *Lo stato d’assedio nell’esperienza statutaria italiana*, p. 4314.

⁷⁷ Caruso, *Patterns of (Extra)Ordinary Repression*, p. 116.

⁷⁸ Bascherini, *Lo stato d’assedio nell’esperienza statutaria italiana*, p. 4304.