

## Fascism, uncensored

Legalism and neo-fascist pilgrimage in Predappio, Italy

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# Fascism, uncensored

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- 1 On 28 October 2018, many Italian news networks were dominated, as they often are on this date, by coverage of a tiny village in Emilia-Romagna named Predappio. Predappio has around six thousand inhabitants, though most of these live in the surrounding countryside. It has one main street, just under a kilometre long, and it is possible to walk from one end to the other in a matter of minutes. The coverage that day focused on a group of people who were doing more or less exactly what they do every year on that date. They tend largely to wear one colour—black—and they come to pay their respects to Predappio’s most famous son, Benito Mussolini, who has been buried in the village cemetery since 1957. 28 October is the anniversary of the “March on Rome” in which he took power in 1922, and is the largest of three key anniversaries—the others being those of his birth and death—on which such groups come to Predappio in large numbers for a demonstration.
- 2 In 2018 the media coverage was largely concerned with one particular woman, a prospective mayoral candidate for the town of Budrio and an activist for Forza Nuova, a far-right political party that received less than 1% in the recent Italian general election. I watched her being photographed by journalists in Predappio, smiling in a black t-shirt on which was emblazoned the word “Auschwitzland”. It was printed in Walt Disney-style type, with an image of the square behind which Mussolini’s birth house is situated in place of the Disney castle.
- 3 This shirt was the subject of immediate condemnation in the media from a range of public figures, including even some on the far-right.<sup>1</sup> Meanwhile, I remained in Predappio for the evening of the 28th, on which a very different anniversary was being celebrated. For only the third consecutive year, Italy’s National Association of Partisans

(ANPI) had come to the village to mark the anniversary of its liberation in 1944, which also, by coincidence, falls on 28 October. The event, held at the village cinema on a street blocked off by riot police, was introduced by three speakers, including the provincial president and the national vice-president of ANPI. Both of these men gave impassioned speeches about the need to be vigilant against a resurgence of the far-right, and were particularly inflamed by the woman in the “Auschwitzland” shirt. Both men made clear their firm intention to demand of the authorities that the woman and her comrades be prosecuted for the crime of “*apologia del fascismo*”, a demand reiterated the next day by an Italian senator, this time directly to Italy’s Interior Minister, Matteo Salvini.

- 4 As the week wore on, the Auschwitz museum submitted a complaint against the woman to its local court in Poland, and the Disney Company declared themselves appalled at the use of their imagery. Yet at the time of writing there appears no immediate prospect of the woman or her comrades standing trial in Italy.
- 5 In Italy, such a prosecution, if it occurred, would fall under a law known as the Legge Scelba, passed in 1952 and named after then Interior Minister Mario Scelba, and modelled on the 12th Disposition of the post-war Italian constitution of 1947. Together, both these measures forbid the reorganization of “the dissolved Italian Fascist Party”, the PNF, together with “apologias” for it, or public demonstrations in favour of it. The Scelba Law was further supplemented by a 1993 law known as the Legge Mancino, which again prohibits the public exaltation of fascism, as well as hate speech and discrimination against racial, religious, or ethnic minorities. In 2018, a third law, named after deputy Emmanuele Fiano, and designed to criminalize fascist “propaganda”, was also proposed, but has been stalled in the senate since the that year’s elections.
- 6 There is, in other words, no shortage of possible legal instruments with which the Italian state might choose to pursue people like the woman in the “Auschwitzland” shirt. Yet the likelihood is that they will choose not to do so, as they have been largely so choosing ever since Mussolini’s body was first brought back for burial in Predappio in 1957, and the large-scale pilgrimages began. Why is this?
- 7 The explanation, I argue, rests in the object of censorship: in Italy, this is usually not taken to be a set of ideas, beliefs, or symbols, but a very particular thing, namely “the dissolved Italian Fascist Party”. The legislation described above has largely been interpreted to prohibit not a fascist party, in other words, but *the* Fascist Party, the historical object<sup>2</sup>. In other words, to fall within its remit one must do more than possess a set of beliefs or ideas about “fascism”; one must conjure up “Fascism”, the historical phenomenon.
- 8 This interpretation—and the resulting absence of censorship of people such as the woman in the “Auschwitzland” shirt—is, I suggest, more than simple judicial restraint, though of course it is no doubt that as well. It is an intervention in a longstanding problem in Italy surrounding the relationship between fascism and history: the problem is whether or not the term “fascism” should be reserved to refer only to the regime or movement that existed in Italy between 1922 and 1943 (or 1945, if the Italian Social Republic is included). That may appear a surprising position to adopt—particularly in light of contemporary concerns regarding a global resurgence of fascism—but it is nonetheless a far from uncommon argument to hear in Predappio and in Italy more broadly, as I describe below.

- 9 The practice of censoring certain articulations of far-right politics in Italy—or, more appropriately, the logic behind the pointed absence of such censorship—puts the Italian state’s position firmly on one side this debate: it identifies a clear set of criteria by which “fascist” behaviour may be known, and the criteria in question involve a certain set of attitudes and behaviours in relation to “the dissolved Italian Fascist Party”. It takes, in other words, an indexical attitude to the term—linking it closely to a particular object in the world—and firmly attaches it to the historical period in which an actual fascist regime existed, rendering more or less legally moot the question of whether fascism may or may not exist in some form or another today. More than merely a practice of censorship, in other words, it is a passive intervention into historiographical, legal, and popular debates, one which constitutes “fascism” as a precisely delineated object in the world, whose contours accord roughly with the twenty or so years in which Mussolini governed Italy known as the “*ventennio*”.
- 10 Below I outline examples of this position as they emerge in everyday life in Predappio in order to demonstrate that the practice of abstaining from censorship there is underwritten by the same logic. Such productive abstention has effects, of course, the most obvious of which is to bolster claims that it makes no sense to speak of a contemporary resurgence of fascism.
- 11 Much contemporary work on censorship (such as what is sometimes referred to as “New Censorship Theory”—see, e.g., Bunn 2015) highlights the productive—rather than repressive—aspects of censorship practices. Censorship, so such arguments go, is not solely or even largely about stopping people from thinking or saying certain things, it is about inciting or obliging them to think or speak in particular ways about such things. In a recent review of debates on the subject amongst historians and social scientists, Matthew Bunn argues that the most basic challenge of this body of work to so-called “liberal” conceptions of censorship is whether “the absence of censorship constitutes any meaningful sense of ‘free speech’” (Bunn 2015: 40). If “censorship”, understood in a very broad sense, pervades “discourse”, then forms of state control over speech or publications are only particularly obvious and heavy-handed manifestations of a ubiquitous phenomenon.
- 12 Rather than a productive practice of censorship, this article will examine a context in which what is productive—in the sense of constituting an intervention in a wider set of debates—is precisely the absence of censorship where one might expect to find it. If censorship is, in effect, everywhere, it will ask, what does it mean to abstain from censoring something?
- 13 Based on eight months of fieldwork in the Italian village of Predappio, as well as historical material regarding post-war Italian jurisprudence, I argue that an absence of censorship may still constitute a form of productive intervention. In the case I describe, this absence puts the position of the law on one side of an ongoing debate regarding the nature and definition of fascism.

## “The grave of myth”

- 14 “History is the crucial weapon in this fight,” the Mayor was saying. “History is the way in which we combat ignorance, history is the way young people will learn about the

mistakes of the past. We [Predappio] have been the Chernobyl of history of for too long, and now we need to confront our past.”

- 15 We were standing in the main square of Predappio, outside the ruins of the former Fascist Party headquarters, and its then-Mayor was holding forth to a Danish television news crew. Having at this point been conducting fieldwork in Predappio and its environs since spring 2016, I had heard him give variations on this speech a number of times, to local, national, and international audiences. “History” is a word he is very fond of, though he is a geology teacher by profession, and I have rarely seen him prouder than when he discovered that a quotation consisting of a variation of these remarks makes up the final lines of a recent book by an eminent German historian of fascism (Woller 2015). Though his political opponents take issue with some of the tacit implications of his focus on history, as I describe below, he is undoubtedly correct that it is impossible to understand Predappio without understanding some of its history. The question of how far it remains history, and how far it reverberates in the present day, is much more complicated, however. The arguments I describe below, in other words, are partly about historical memory, and about what form Italy’s relationship to its fascist past should take. But they are also about whether or not fascism is, in fact, history in the first place, or whether it continues to live on in some form or another. In that sense these debates mirror that more international preoccupation with a potentially resurgent fascism, and how exactly one ought to recognize such a thing. This is the logic behind, for example, *The Atlantic*’s interview of historian Robert Paxton in search of a definition of “fascism”,<sup>3</sup> and that word’s candidacy for Merriam-Webster’s “Word of the Year” prize in 2016. In this section I describe some examples of arguments based on the notion that fascism is largely or only a matter of history, and that therefore those who come to Predappio to celebrate it may be thought of as strange or even ridiculous, but not as dangerous.
- 16 The original Predappio (now known as Predappio Alta) is a tiny medieval village that sits at the top of a hill, complete with its own small castle (*Rocca*) and a cobbled square with three churches on it. About four kilometres farther down this hill lies a settlement—originally nothing more than a handful of houses and an *osteria*—that used to be known as Dovia, named after the two roads (*due vie*) that intersect it, one that heads over the mountains to Tuscany and one that continues up the hill to Predappio Alta.
- 17 Benito Mussolini was born in Dovia in 1883, the son of a blacksmith and the local schoolteacher. Shortly after he gained power in Italy in 1922 he paid a much-publicized visit to the village, and immediately after this visit a deputation of local dignitaries went to see him in Rome to propose a plan of urban renewal for the area. Building work commenced in the mid-1920s and went on until the late 1930s. Dovia—or Predappio Nuova, as it became known, and eventually simply Predappio—was transformed from a backwater hamlet into a monument to Fascist urban planning and the humble origins of its Duce. It became a highly self-conscious feature of the regime’s myth-making apparatus, and the regime paid for and organized tour group travel to the village for ordinary Italians (Serenelli 2013). Mussolini himself made frequent visits, often accompanied by visiting foreign dignitaries.
- 18 As Sergio Luzzato (2011) recounts in detail, in 1957—twelve years after Mussolini’s execution at the hands of partisans—Adone Zoli of the dominant centre-right Christian Democrats became Italy’s Prime Minister. He led a minority government which, for the first time, was obliged to rely on a “confidence and supply” agreement with the post-

war incarnation of Italy's Fascist Party, then called the Italian Social Movement (MSI). Zoli also happened to be another native of Predappio, a member of the family that owned the land on which Mussolini's wife had been born. One aspect of the agreement he reached with the MSI was that Mussolini's body—at the time hidden in a Capuchin convent—would be returned to his family and interred in their crypt, located in Predappio's local cemetery. Zoli is alleged to have telephoned the then Mayor of Predappio to ask for his blessing, and the response he received is regularly quoted by contemporary Predappiesi: "Mussolini didn't scare us when he was alive, and he won't scare us now that he's dead." The body was reburied in the cemetery of San Cassiano on 31 August 1957, and accompanying it were around three thousand five hundred neo-fascists. Seven thousand more turned up the following weekend to pay their respects. Since then the village has received around eighty to one hundred thousand such "black" tourists per year. Mussolini may or may not scare Predappiesi since his death, but the presence of his body has certainly had a significant impact on their lives.

- 19 It is impossible to escape the subject of fascism in contemporary Predappio. The main street, once known as Corso Benito Mussolini, is now named after the regime's most famous victim, Giacomo Matteoti. Walking up it, one encounters three shops which sell what are euphemistically referred to as "souvenirs" or "gadgets": t-shirts and babies' bibs with fascist slogans or images of Donald Trump and Vladimir Putin printed on them, marble and bronze busts of Mussolini, war memorabilia, copies of *Mein Kampf*, and even *manganelli*, the clubs with which fascist squads would beat their opponents. Architecturally, the village is entirely dominated by the style of the *ventennio* since most of it was built in that period by architects such as Florestano di Fausto. The first square on Corso Matteoti was built to frame the house in which Mussolini was born, which the regime exhibited as a sort of shrine, and which is now an exhibition space. The next and largest square is overlooked by the imposing Church of St Anthony, on whose façade is inscribed its date of completion in the "E. F", or "*Era Fascista*". Next to the church, the old village hospital still has a *fasces* embedded in one of two decorative orifices. Across the square is the former Casa del Fascio e dell'ospitalita, the large former PNF headquarters that was once used to house visiting dignitaries and to host public events (Storchi 2019). Now desolate and in ruins, pigeons roost in its eaves.
- 20 A little farther up the street one comes to the cemetery of San Cassiano, another product of the *ventennio*, and the site of the Mussolini family crypt. The crypt is the first thing that one sees upon entering the cemetery, at the end of the path which begins at the cemetery gates. Descending down a flight of stone steps, one emerges in a small subterranean chamber in which the remains of Mussolini's wife, children, and some affines are entombed in stone sarcophagi, sometimes topped with photographs and often with flowers. The crypt is dominated by a large bust of Mussolini himself, who gazes out over his own sarcophagus and a visitors' book in which are inscribed, by my average count, around thirty to forty new messages a day, most of which are variations on a theme of "Come back to us, Duce!" (see also Zoli & Moressa 2007). Ascending out of the crypt via a second staircase, one is faced with several walls covered almost entirely in plaques donated by formal or informal neo-fascist groups, commemorating a particular visit to the tomb or the passing of a comrade.
- 21 The status of fascism, or neo-fascism, in Predappio has often reflected broader aspects of the Italian social and political context. For instance, in the late 1960s and early 1970s, during a period of significant political tension in Italy characterized by heightened

ideological divisions between left and right, as well as acts of terrorism, including kidnappings, assassinations, and mass murder, there were serious clashes between visiting far-right pilgrims and left-wing students and activists from extra-parliamentary groups such as Lotta Continua.<sup>4</sup> These tensions culminated in the explosion of a bomb at the Mussolini family crypt in 1971. With the arrival of the 1980s and 1990s, and the collapse of both the Christian Democrat and Communist parties in the wake of corruption scandals, “black” tourism in Predappio began to become commercialized: 1983 saw the first sales of Mussolini-themed wine on the centenary of his birth, and the 1990s saw the opening of the first of the so-called “souvenir shops”. The 1990s also saw a shift in Italian far-right politics more broadly, witnessing the transformation of the once radical MSI—the successor to the PNF—into the more mainstream and politically palatable National Alliance, which would go on to form a government with Silvio Berlusconi, and distance itself from Predappio and fascist nostalgia more generally.

- 22 Today the three major days of pilgrimage each bring around three thousand visitors to Predappio on the morning of the first Sunday following the anniversary in question. From around eight o’clock onwards groups of black-shirted men (and some women and children) start to gather around the four bars on Predappio’s main street, before coalescing into a discernible mass on the square in front of the church at around ten. Flags bearing the Italian *tricolore* and the Celtic cross are on display, as are banners decorated with slogans like “Honour to the Fatherland” and “Will you arrest all of us?” The procession is mustered by officiants from Forza Nuova wearing tricolour armbands, and at the front is often a group carrying wreaths to lay at Mussolini’s tomb. Many participants wear replica uniforms, or fez hats, a staple of fascist uniforms since the end of the First World War. They march the one and a half kilometres from the square to the cemetery of San Cassiano where they gather outside the gates for brief speeches (attended by Roman salutes), before queuing to enter the crypt and pay their respects or lay a flower on the tomb.
- 23 Current attitudes towards the pilgrimages, the souvenir shops, and the tomb in Predappio are wide-ranging and varied, and certainly complex enough to merit more attention than they can be given in the present discussion. In the past, I have often been told, locals would avoid going out on the pilgrimage days in case of violence, but today they are much more likely to regard the parades as a minor inconvenience to traffic. Some object on principle, and I know business owners who will close their premises on the basis that they cannot trust themselves willingly to serve such customers. One such businessman recounted to me with mischievous delight the fight he very nearly had with a man he described as “a dwarf wearing a *balilla* [fascist youth] uniform”. But the most common response returns us to the question of history with which I opened this section, for it consists in regarding them as part of a possibly distasteful but more or less harmless form of nostalgia. “Nostalgics” (“*nostalgici*”) is in fact by far and away the most common noun used to refer to these visitors, rather than any political designation, and the marches are often described as “folkloric”, in the sense of involving a slightly strange or superficial veneration of tradition. People tend to shrug and smile wryly at the sight of ancient-looking men with extravagant moustaches wearing the uniform of the fascist youth organization, as English people might do at a troupe of Morris dancers or street artists in Shakespearean clothing. “It’s like a carnival,” as a local artist put it. “Instead of being in the Carnival of Viareggio,

we're in Mussolini's carnival. Let them be and they'll just go home. They're ridiculous: forty-year old kids dressed up as senior Fascist officers."

- 24 To this way of thinking it is simply perverse, rather than menacing, to dress up and march around chanting slogans from a bygone era, and the fact that many of the people doing so are too young to actually remember the *ventennio* is often cited as evidence for the fact that what they are doing cannot relate to "real" historical fascism. There has long been local talk of the numbers of visitors diminishing as the *ventennio* recedes further and further away into history and fewer and fewer of those who remember it remain alive. The commercialization of the visits and marches has contributed to the sense of their banality (what could possibly be "fascist" about a bottle of wine with Mussolini's face printed on it, some say) and people joke about the lack of ideological conviction of those who run the souvenir shops. One friend would insist to me with a grin when the subject came up that one particular proprietor would be quite happy to sell Che Guevara t-shirts if only Predappio had been fortunate enough to have him, instead of Mussolini, as its most famous product. Many Predappiesi, in other words, share their former Mayor's belief that fascism is primarily a historical object, regardless of how they evaluate it. Indeed, it is worth pointing out that Predappio has been governed by a constant succession of communist and left-wing mayors ever since the war, and that it lies in the heart of a region with a powerful socialist heritage. The notion that "fascism" is solely or largely a matter of history, in other words, is not exclusive to those on the right of the political spectrum.
- 25 To say that Predappio's fascist heritage is a matter of history is not, however, to say that it is undeserving of interest: the village has recently returned to the front pages of the national and international press as a new set of political debates has emerged. These debates centre on contemporary Italy's relationship to its fascist past, and in that respect are by no means entirely new (see, e.g., Bosworth 1998). A sense of urgency has been added to them, however, thanks to much more widespread international concerns over a rising and resurgent far-right. In Italy, although the radical right, in the form of parties such as Forza Nuova and CasaPound,<sup>5</sup> performed rather badly in the most recent general election, such concerns are often focused on Interior Minister Matteo Salvini's anti-immigrant Lega, which won nearly 18% of the vote. Salvini himself seems to enjoy stoking such concerns by, for instance, tweeting quotes from Mussolini.
- 26 Predappio appears in these debates not simply because it has long been a symbol of the undigested nature of Italy's fascist past, but also because of its potential future: a "Documentation Centre" on fascism is to be installed in the now derelict former Casa del Fascio in the town square, which would be the first of its kind in Italy. It is this project that the Mayor had in mind when he spoke of the need to confront the past. The project, however, has engendered a great deal of controversy, partly in regard to the choice of Predappio as a location. A number of commentators have made the point that installing what many refer to as a "museum" of fascism in a place dominated by the contemporary far-right risks undermining its purpose: how, they ask, will visiting schoolchildren react to finding shops selling fascist "souvenirs" next door to the documentation centre?<sup>6</sup> Some go so far as to call Predappio a "toxic waste dump" of history, seeing its heritage as effectively irredeemable.<sup>7</sup> Other objections raised in relation to the project centre more on content, however, and return us to the problem of the nature of fascism as an object. For instance, the centre's permanent exhibition is currently projected to conclude its narrative in 1945. One of the members of its

scientific committee explained this decision to me on the basis that fascism and neo-fascism are “completely different”: “first of all because it’s [neofascism] an element in a democratic country, not a regime ... [and] they call themselves neo-fascists, neo-nazis ... but I don’t think they really understand the regime they’re harking back to”. Others involved in the project explained the difference in terms of content of policy, or of symbolism, but in each case there was a shared understanding that “fascism”, properly speaking, refers only to a historical object, not to any contemporary phenomena. As with local interpretations of the pilgrimages as a matter of nostalgia and folklore, “fascism” is understood here as a purely historical object, disconnected from any contemporary phenomena which might resemble it. Perhaps unsurprisingly, some critics of the project, on the other hand, have told me they think it would be absurd, not to mention compromising, for the centre to have nothing to say on the subject of the men and women who will presumably continue to march up and down outside of it wearing fascist uniforms and regalia.

- 27 These popular debates regarding the pilgrimages and the documentation centre project are examples of the same set of arguments regarding how to identify “fascism” that I have already introduced. But the logic that unites both defences of the documentation centre and the attitude that neo-fascist pilgrimages are merely an instance of nostalgia have a long historical pedigree. As far back as 1944, for instance, Benedetto Croce, Italian philosopher and leading figure in the Liberal Party, wrote a series of articles—including one tellingly titled “Who is a fascist?”—in which he argued that fascism was a form of civic depression, a moral disease that might affect anyone of any class, status, or nationality.<sup>8</sup> Also, crucially, it was thus a phenomenon unrelated to any systemic issues in Italian social or cultural life, and could hence be dismissed as a “parenthesis” in the history of an otherwise great nation (an idea to be found in discussions of other fascist regimes such as Vichy France—see, e.g., Paxton 1972). Historian R. J. B. Bosworth notes that Croce’s interpretation cleared a path for the historiographical debates which followed the publication of Renzo De Felice’s *Intervista sul fascismo* in 1975 (De Felice 1985). De Felice, Italy’s most prominent historian of fascism, the author of a four-volume biography of Mussolini, caused significant controversy by criticizing what he called an anti-fascist “vulgate” dominated by journalists and amateurs interested only in making moral judgements on fascism, rather than the scientific ones with which he himself claimed only to be concerned. In tandem with such arguments came the related notion that one needed a degree of distance and detachment to properly understand fascism, the sort that ought to be afforded by the fact that it was a purely historical phenomenon, one which should be thought of as “rigidly limited” in time to the period of the *ventennio*.

## The dead hand of the censor

- 28 From a legal perspective, the problem of exactly how “dead” fascism is has also been an issue since at least the fall of the regime. It was not only Croce who was worrying over who was fascist in 1944, it was the occupying Allied powers and the new Italian government as well, which had taken on the status of “co-belligerents” with the Allies. Article 30 of the Long Armistice between Italy and the Allies, signed on 29 September 1943, obliged the Italian government to “carry out all directives which the United Nations may call for, including the abolition of Fascist institutions, the dismissal and

internment of Fascist personnel, the control of Fascist funds, the suppression of Fascist ideologies and teachings” (Domenico 1991: 22). All of this was, of course, much easier said than done given that over twenty years had passed since the regime first took power and by 1943 it was hard to tell the difference between “Fascist” and simply “Italian” institutions, funds, and personnel. Indeed, many of the new regime’s pro-Allied leaders had at some point or another held prominent positions under Mussolini. But this was precisely the difference that interested the Allies and the post-Fascist Italian government (and Croce, hence his characterization of fascism as distinct from particularly Italian social or cultural issues). Italy’s new Prime Minister, Marshal Pietro Badoglio, himself a former Chief of the Italian General Staff at the outset of the war, issued a circular on 4 November 1943 declaring that “the Fascist regime ... is decidedly dead in the minds of Italians”, thus establishing 1943 as the cut-off point between fascism and what came after (Domenico 1991: 20).

- 29 A different distinction, however, was later drawn as a result of the broader political and military situation in Italy: in 1944 a questionnaire (“*scheda personale*”) was issued to all Italian state employees by the Allied Military Government listing forty-three categories of questions regarding their involvement with the Fascist regime. Though the questionnaire covered a range of possible answers (including whether or not one had once been Secretary-General of the PNF), the crucial section was categories 32 to 38 (Domenico 1991: 34), which dealt with the Italian Social Republic (RSI), the German puppet regime established in 1943 in the north of Italy, of which Mussolini was titular head, and with which, of course, both the Allies and the new Italian government were at war. So, for practical reasons—the difficulty involved in distinguishing between erstwhile fascists and new-found “co-belligerents”, and the need to combat the RSI—the broad project of de-fascistization envisioned in the Long Armistice became a much narrower one of rooting out those guilty of simple treason to the new government by their continued adherence to the RSI. In other words, solving the problem of how to censor or proscribe “fascism” by distinguishing between different historical “fascisms”—whether “fascism” of the *ventennio* and “neo-fascism”, or “fascism” of the *ventennio* and “fascism” of the RSI—has a long and established history.
- 30 The 1952 Legge Scelba, as I noted earlier, is based on the 12th Disposition of the 1947 Italian constitution, which forbids the reorganization of “the dissolved Italian Fascist Party”. The Scelba Law also prohibits “apologias” for it, as well as public demonstrations in favour of it. But over the years, several Italian courts have issued a number of decisions which very much restrict—or simply confuse—the scope of the application of the Scelba Law and its constitutional antecedent. For instance, one year after the return of Mussolini’s body to Predappio, in 1958, three men—two of whom had been indicted for wearing a black shirt and performing the Roman salute at the Duce’s tomb—were acquitted of the crime of “apologia” by Italy’s constitutional court, which ruled that the law could only apply in situations in which there was a realistic and intended prospect of actually reconstituting the PNF (Sentenza no. 74, 1958). In 1994 the Council of State declared that use of the *fascies* as a political symbol did not constitute a breach of electoral law because of its longer association with classical Rome.<sup>9</sup> More recently, in 2014 the criminal section of the Court of Cassation condemned two CasaPound militants for giving the Roman salute at a march, declaring that the risk of the reappearance of a “concrete” Fascist Party had not dissipated over the years, and that “symbolic gestures” such as the Roman salute constitute “publicity” by their

nature, and thus “are endowed with objective danger for the values of democracy” (Sentenza no. 37577, 2014). However, four years later, the same court absolved two other CasaPound militants for the same crime, divorcing what it had previously put together: it declared that the Scelba Law criminalized only a “concrete danger”, not thought or manifestations of thought. Only symbols and language liable to lead directly to the reconstitution of the Fascist Party could be considered a crime (Sentenza no. 8108, 2018).

- 31 More striking even than the confusion of the law’s application, however, is its explicit formulation and the manner in which it has been interpreted. The word “dissolved” (“*disciolto*”) was deliberately added to the words “Italian Fascist Party” by the Italian Constituent Assembly in 1947 specifically to make clear the fact that the law had a concrete historical referent.<sup>10</sup> Palmiro Togliatti, then leader of the Italian Communist Party, answered a question during this debate on the difficulty of defining what a “fascist party” is by saying that clearly definition was “historically determined”<sup>11</sup>. The Scelba Law can be and has been read, in other words, as censoring and prohibiting not a fascist party, but specifically *the* Fascist Party, rendering it more or less inapplicable to many of the contemporary phenomena one might imagine could be described by the word.
- 32 This is in striking contrast to Germany, for instance, where anti-fascist protestors have sometimes been prosecuted for displaying crossed-out swastikas on the basis that Section 86a of the Federal Criminal Code prohibits the display of “unconstitutional symbols”, such as those associated with the Nazi Party. Nitzan Shoshan (2016) has recently pointed to the complexity inherent in German legal understandings of how far-right symbols work. Relations between signs and banned organizations may be purely symbolic—that is, arbitrary—and of varying strength, but they may also be iconic and/or indexical, in that they may replicate in form the object they symbolizes—so neo-nazi violence looks like national socialist violence—and/or point to and do the work of that object itself—so a swastika does not just “stand for” Nazism, it in some sense makes Nazism present in its appearance (2016: 106). All of these different understandings come together to inform judicial rulings on the use of such symbols, alongside readings of intention and effect (2016: 107), rulings which can be as contradictory and inconsistent as in the Italian case. In contrast to Italian court rulings on the Scelba Law, however, German constitutional jurisprudence criminalizes Holocaust denial—an expression of thought—regardless of whether or not it is accompanied by normative calls for action, though it does distinguish between the two (Stradella 2008: 70). Unlike in the Italian case, there is no requirement for prosecutors to demonstrate immediate danger to democracy or of the reconstitution of the Nazi Party. The expression is an offence in and of itself (Article 19 2018: 23).
- 33 Though the strength of the symbolic relation between “fascist” signs and “fascism” is sometimes at issue in the Italian context—for instance in the ruling noted earlier on the use of the *fasces* as a political symbol, in which the question was whether as a sign the *fasces* have any more to do with the PNF than they have to do with classical Rome—the issue of the application of the Scelba Law seems to revolve solely around the question of indexicality: to constitute a case of “apologia”, the law requires that the behaviour, speech, or symbols in question unambiguously conjure up—and defend—the object in the world that was “the dissolved Italian Fascist Party”. This understanding is implicit in the notion that the law refers not to a generic “fascism” but specifically to *the* Italian

Fascist Party, and so for a crime to be committed it must be that specific object in the world that is made present. It is also explicit in the interpretation of the law that claims that for a crime to be committed there must be a realistic prospect of the PNF actually being reconstituted.

- 34 An obvious defence of this line of legal reasoning is that broader rights to free speech and freedom of ideas are easier to defend from forms of censorship that target highly specific objects: the less indexical the legal language in question, the easier it is for censors to sweep all and sundry into its purview (as in the odd cases of German anti-fascists being prosecuted for displaying crossed-out swastikas). Whilst this is undoubtedly true, the Italian case demonstrates that such targeted forms of censorship are by no means necessarily neutral in their effect on wider patterns of speech, discourse, and ideas. The refusal to censor the woman in the “Auschwitzland” shirt and others like her is not merely a negative claim (“this is not fascism”) but also a positive one about what fascism “really” is, namely a very specific kind of historical object, in line with that broader set of perspectives on fascism which stretch back from at least Croce onwards.

## What censorship does when it does nothing

- 35 To constitute a legitimate object of the censor in Italy, a sign—a Roman salute, a uniform, or a shirt with a slogan printed on it—must conjure up and defend in manner likely to bring about its rebirth not a set of ideas or beliefs, but the very definite object in the world that was “the dissolved Italian Fascist Party”. As such, this legal regime is also an intervention into an older and much wider set of debates over exactly what “fascism” was or is: if “fascism” is a purely historical object, then the use of the word to describe contemporary versions of far-right politics may be cast as misguided scaremongering.
- 36 So, in this instance the productive intervention of censorship comes in the form of passivity and abstinence, rather than action. Unlike, for instance, the East German censors described by Dominic Boyer (2003) as possessing an intellectual vocation and as practising censorship as a form of craftsmanship, the “productivity” of the censorious intervention I have described here depends on the censor’s (legally justifiable) inaction. So the issue here is not, in fact, censorship, but its absence.
- 37 That such absence is a judicial choice rather than a necessity is also testified to by the law itself. I have hitherto emphasized its indexical qualities because such has been the emphasis placed by Italian courts, but the text of the law itself offers alternative interpretations. For instance, the 12th Disposition of the constitution prohibits the reorganization of the “dissolved” Fascist Party “in any form”, thus leaving open a much broader reading of what might constitute such reorganization than the “historically determined” reading largely favoured in the courts. Moreover, the Scelba Law itself lists a range of features which may be taken as signs of such reorganization: threats or use of violence as a political instrument; arguing for the suppression of constitutional liberties; denigrating the values of democracy or the resistance; or simply “external manifestations of a fascist character”. Yet from almost the moment in which it was enshrined in law (see, e.g., *Sentenza no. 74, 1958*) it has been read as demanding indexicality: alone, signs themselves do not render fascism present. They must be coupled with a demonstrable intention to do so and a likelihood of success.

- 38 William Mazzarella has recently argued that censorship may be conceived of as a form of sovereign “dispensation” (2013: 41–42), an exception justified by special circumstances, but increasingly a permanent state of affairs (2013: 28). In the case of Indian cinema with which he is concerned, pro-censorship reasoning conceives modern India as in transition, between colonial tutelage and the maturity of a fully democratic mass media society. Before the advent of the latter, censorship is a necessary if regrettable evil.
- 39 In the case I have described here the same concerns about the past and its relationship to the future are at work. Are “external manifestations of a fascist character” oriented only backwards—and thus merely “commemorative”, as the most recent court judgment on the subject put it (Sentenza no. 8108, 2018), and “nostalgic”—or are they oriented towards the future? Is the future they promote a reversion to Italy’s fascist past, or something entirely new? Has the “risk” posed by fascism diminished over the years since its fall or does it still constitute an “objective danger” (Sentenza no. 37577, 2014)? Such questions hover in the background of a number of contemporary debates about the proper meaning and definition of “fascism”, and are activated as much by the suspension of censorship as by its application.
- 40 Instances of the withdrawal and suspension of censorship raise questions as to what censorship does when it pointedly does nothing, as it were; these questions resemble those raised by Boyer regarding the cultural logics of censorship as a lived practice, but they widen their scope to include instances in which the practice in question is abstinence. Attention to instances of the withdrawal or suspension of censorship has implications for fundamental debates about the nature of censorship (e.g. Butler 1998); for even if the absence of sovereign forms of censorship does not constitute a domain of “free speech”, it may nevertheless constitute something else. In the case of Predappio and Italy more broadly it makes a meaningful difference to public discourse on fascism when the courts rule that something is not, in fact, “fascist”, and therefore undeserving of censorship. So however we define censorship, it is important to retain a language with which to speak about situations in which it is—or certain forms of it are, at least—held in abeyance.

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## NOTES

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[il\\_museo\\_di\\_auschwitz\\_querela\\_la\\_neofascista\\_con\\_la\\_maglietta\\_di\\_auschwitzland\\_ticchi\\_aurora\\_italiana\\_forza\\_nuova](https://www.repubblica.it/politica/2018/10/31/news/il_museo_di_auschwitz_querela_la_neofascista_con_la_maglietta_di_auschwitzland_ticchi_aurora_italiana_forza_nuova)

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## ABSTRACTS

This article describes the afterlife of the 1952 Scelba Law in Italy, which forbids “apologias” for the fascist regime, and its chequered history of application. Intended to censor, amongst other things, speech directed towards the reconstitution of an Italian fascist party, fascist propaganda, and fascist demonstrations, the Scelba Law has been sparingly and inconsistently applied. This is particularly evident in the village of Predappio, Mussolini’s home town, and one of Italy’s premier sites of neo-fascist tourism. This article explores the ways in which the pointed absence of censorship in Predappio constitutes an intervention in a wider set of debates surrounding how to identify “fascism” as an object. It thus highlights the value of examining not only the

productivity of censorship as a practice and vocation but also the potentially productive force of abstaining from censorship.

## INDEX

**Keywords:** censorship, legal anthropology, Italy, fascism, Predappio, Mussolini

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