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*Military imprisonment during the Liberal Age:
the case of Gaeta (1863-1914)*

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Introduction

Historiographical reflection on the Italian penitentiary system – with a focus on civil imprisonment – has developed in recent years, partially making up the deficit accumulated when compared to studies in other countries¹. There has been no lack of progress also in the field of research regarding military justice in Italy, which had begun to highlight its activity in peacetime too². The topic has stimulated researches about the role that the army and military discipline had played in nationalising Italian society under the direction of the liberal ruling classes, during the post-unification period³. The specific historical studies regarding prison reality is still lagging behind⁴: only in recent times have the institutional and cultural nodes of the issue been convincingly delineated, stimulating questions and suggesting interpretations that are, in our view, on an advanced level compared to what other previous works with a legal-historical slant have accomplished⁵.

¹ Cf. M. Gibson, *Italian Prisons in the Age of Positivism, 1861-1914*, New York 2019 (*Le prigioni italiane nell'età del positivismo (1861-1914)*, Roma 2022).

² Cf. C. Latini, *Cittadini e nemici. Giustizia militare e giustizia penale in Italia tra Otto e Novecento*, Firenze 2010; N. Labanca, P.P. Rivello (edit. by), *Fonti e problemi per la storia della giustizia militare*, Torino 2004.

³ Cf. M. Mondini, *The Nation of Mars. Esercito e nation building nell'Italia unita*, in «Storica», 20-21 (2001), pp. 209-246; M. Rovinello, *Tra Marte ed Athena. Italian military justice in peacetime (1861-1914)*, in «Ricerche di Storia Politica», 3 (2011), pp. 325-348.

⁴ S. Montaldo, *Cesare Lombroso, l'antropologia criminale e la Grande Guerra*, in M. Scavino (edit. by), *Torino nella Grande Guerra. Società, politica, cultura*, Torino 2017, p. 93.

⁵ Cf. C. Latini, *Soldati delinquent, scienza giuridica e processi penali militari nell'Italia unita*, in «Historia et ius», 2 (2012), Paper 12, pp. 1-13; Id., «Una società armata». *La giustizia penale militare e le libertà nei secoli XIX-XX*, in F. Colao, L. Lacchè, C. Storti (edit. by), *Giustizia penale e politica in Italia tra Otto e Novecento. Modelli ed esperienze tra integrazione e conflitto*, Milano 2015, pp. 29-60.

This essay focuses on the period prior to the Great War, identifying in the scientific and cultural debate, resulting from the political-ideological confrontation over the reality of military confinement in the liberal age, the central elements of a process of reshaping the perception of the military and the prison that reflected throughout the twentieth century. The topic of military confinement, on the other hand, concerns not only the rules governing its operation or its underlying legal and political cultures, but also involves those places where concretely the lives of inmates, probation officers and administrative personnel unfolded. With this essay, aware that this is a first stage of a research still in progress, we will focus on the establishment that has become in the last century the emblem of the dehumanization of the prison system: the Gaeta Castle.

1. *Military confinement: a scientific laboratory*

At the dawn of the unified state, the framework of the military penitentiary system, like most of the administrative structures of the time, intended to place itself in the wake of the Savoy tradition and, at least in part, mark a discontinuity with previous regulatory devices. Not only that. The logic inherent in the disciplinary system and the very operation of military penal establishments linked with the historical events of the Risorgimento and with a modernizing conception of institutions⁶.

Following the new Penal Code promulgated by Victor Emmanuel II on the 1st of October, 1859 -characterized in particular by the suppression of corporal punishment⁷ - there had been a multiplication of branches established alongside the main Fort of Savona at least until 1866, in the midst of the Second and Third Wars of Independence and the civil and military conflicts that arose during the troubled birth of the unified state. Particularly prominent among those new detention facilities was the Gaeta branch, housed in some of the buildings attached to the old military citadel, which had just been reestablished after the notorious siege of 1860-61: opened in 1863, the establishment soon became an

⁶ Cf. L. Torres, *Storia della reclusione militare e corpo moschettieri*, in *Studi Storico-Militari 2001*, Roma 2004, pp. 437-506.

⁷ P.P. Rivello, *La giustizia penale militare ed i codici penali militari sotto il Regno di Sardegna*, in *Fonti e problemi per la storia della giustizia militare*, cit. pp. 95 ff.; M. Rovinello, *Una giustizia senza storia? I codici penali militari nell'Italia liberale*, in «Le Carte e la Storia», (2012), pp. 60 ff.

important landmark of the military penal system, by virtue of its more central and better accessible location than other places⁸.

Legal-historical studies have emphasized how in the post-unification period a rethinking of the conditions of penal establishments, especially civilian ones, was taking place at the governmental, parliamentary and scientific levels and at the various spheres of the judiciary, consistent with the image of administrative modernization that the new state intended to restore⁹. However, in the multiplicity of actors who contributed to that intense effort to renew the penitentiary institution in the post-unification era, very few personalities emerged who dealt with the specific sphere of military justice and the penal system related to it¹⁰.

Prominent among the voices that emerged was that of Milanese scholar Antonio Buccellati, born in 1831: a seminarian, ordained priest and law graduate from the University of Pavia, where he became a professor of canon law, before becoming the promoter of important studies in criminal law and, in particular, in the specific branch of the army code. Moving between the classical school and the positive school, Buccellati sought to apply to the specific space of military detention his own synthesis between the modernizing instances emerging from new scientific approaches aimed at the moral and spiritual reeducation of the detainee and a well-established conception of afflictive punishment as retribution, necessary to sanction the 'harm' done and reintegrate the legal order¹¹.

Buccellati's papers, read in 1872 at the meetings at the Istituto Lombardo di Scienze e Lettere – of which he was an eminent member – remained for a long time the only 'scientific' reference about military penal culture, so much so that they were widely reproduced in the *Rivista di Discipline Carcerarie*, precisely because of their uniqueness. The journal, edited by Beltrani Scalia, had sprung up the previous year claiming an explicitly positivist slant¹²: within the framework of a critical

⁸ *Corpo disciplinare e Stabilimenti militari di pena*, in «Rivista di Discipline Carcerarie», X (1880), p. 72.

⁹ On the legal debate of the time cf. M. Gibson, *Le prigionie italiane nell'età del positivismo (1861-1914)*, Rome 2022.

¹⁰ Cf. F. Bellazzi, *Prigionie e prigionieri nel Regno d'Italia*, Florence 1866, and Filippo Conti, then secretary at the Ministry of War, in *Studio comparativo del nuovo codice penale militare germanico con quello per l'esercito italiano*, in «Rivista militare italiana», 3 (1872), pp. 137-178.

¹¹ On Buccellati's legal conception, cf. A. Santangelo Cordani, *Alla vigilia del codice Zanardelli: Antonio Buccellati e la riforma penale nell'Italia postunitaria*, Milano 2008.

¹² M. Beltrani Scalia, *Programma*, in «Rivista di Discipline Carcerarie», I (1871), pp. 3-10.

approach, aimed at the overall reform of prison institutions, Buccellati's notes served to grasp the specificities of the military sphere, despite the fact that some of the scholar's more 'classical' and traditional perspectives strayed from the journal's editorial line. The main meeting point was, in line with positive school considerations, the particular attention paid to the conditions of prisoners, which revealed the prominence of spiritual factors and the declination in psychological and anthropological terms of the rehabilitation process:

Ad un esame generale *sullo scopo, l'ordine gerarchico ed il regime interno* della reclusione militare, ritiene dietro, per il completo acquisto della nozione *reclusione militare*, una più minuta disanima della vita intima del detenuto, che è quanto dire, della *cura morale, igienica, economica*. Fra la cura morale ed igienica, noi oseremo porre di mezzo lo studio *psicologico* del delinquente. I mezzi che servono alla cura morale dei condannati sono: la *religione, l'insegnamento, i premi e i castighi*, ed il *lavoro*¹³.

On the experiential level, Buccellati's attention turned particularly to the context of the Savona military confinement, whose modern conduct he unsparingly praised. The main innovation the professor highlighted was the attention that, from "the very first presentation in the establishment," was paid to the mental state of the detainee.¹⁴ That initial verification of the inmate's psychological condition was followed by a rehabilitation course based first and foremost on schooling and the recovery of a religious sense to be cultivated through the habit of personal prayer, which would be followed by sacraments and catechisms.

In fact, what emerged from Buccellati's studies and their reception in the penal debate filtered through Beltrani Scalia's journal was an underlying admiration for the military prison's mode of leadership, which was already considered superior in itself to civilian imprisonment by virtue of its connection with the 'sacred' institution par excellence: the army.

¹³ "In addition to a general examination of *the purpose, hierarchical order and internal regime* of military confinement, he considers behind, for the complete acquisition of the notion *military confinement*, a more minute scrutiny of the inmate's intimate life, which is as much as to say, of *moral, hygienic, economic care*. Between moral and hygienic care, we dare to place the *psychological* study of the delinquent in the middle. The means that serve the moral care of convicts are: *religion, teaching, rewards and punishments, and work*". A. Buccellati, *Reclusione militare. Cura morale, igienica ed economica dei reclusi. Memoria del prof. Antonio Buccellati, letta nelle adunanze del 18 aprile, e 4 e 18 luglio 1872*, Milano 1874, p. 29.

¹⁴ Ivi, p. 55.

The exaltation of the union of two ‘total’ institutions (army and prison) stemmed from the complexity of the moral task that the new ethical state had to fulfil: that of aspiring to the education and spiritual growth of the masses. Punishment itself thus became a terrain in which to measure the effectiveness of the army’s pedagogical task and, consequently, a necessary tool for advancing the process of nationalization in the Kingdom.

The superiority of military detention over civilian detention also resulted from the system of rewards and punishments on which the re-education of the condemned prisoner was based: in the face of an often unbridgeable distance between those who would have liked to privilege only a reward approach and those only the rational force of punishment, it was precisely military prisons that prospected, according to Buccellati, a commendable – and preferable – middle ground. In fact, the *mixed system* was articulated in a differentiated range of punishments and rewards, comprising the latter either promotion or assignment to special categories (foremen, scribes, orderlies) or an extraordinary *mercede* to laborers, up to the proposal of “sovereign grace”¹⁵.

In the balance between rewards and punishments laid, according to Buccellati, the best feature of military confinement, where the “hope” of reward was encouraged while not forgetting the “fear” of punishment. To this end, Buccellati also emphasized the importance of prison labor, describing it as far more efficient, remunerative and useful than that of common prisons, precisely because of the contribution it made to the spiritual growth of the citizen: this, by becoming a soldier and eventually also passing through a detention context capable of eliminating his vices, would introject what for Buccellati was the fundamental virtue of obedience to State authority.

Buccellati’s perspective, although evidently conditioned by a hierarchy of traditional values, nevertheless opened a window on a reality otherwise barely visible in legal science. Following the publication of those groundbreaking reflections in *Rivista di Discipline Carcerarie*, Beltrani Scalia also decided to devote editorial space to illustrating the functioning of military penal establishments, filling, in his own words, “a gap in our Review”¹⁶. Thus, beginning in 1880, recurrent articles returned to military confinement, even indicating the number of inmates and their employment. The goods manufactured by prison labor were shown to the public at various national exhibitions, which served to showcase above all the “cult of the beautiful” and the “progress of the arts” of which the

¹⁵ Ivi, pp. 34-38.

¹⁶ *Stabilimenti penali militari*, in «Rivista di Discipline Carcerarie», X (1880), p. 173.

production of military recluses would be an expression¹⁷. Alongside the one in Savona, the military branch in Gaeta, where workshops of weavers, ironworkers, tinsmiths, tailors and shoemakers were active and produced exclusively for the service of the Royal Army, was also counted as an extraordinary example. The “progressive and wonderful” economic development of military recluses found consecration in the Third International Prison Congress of 1885, when the very products made in the Savona and Gaeta factories were exhibited¹⁸.

The laudatory intention that transpired from the reports and correspondences concerning military recluses concealed the daily tensions that were already beginning to be felt inside the walls. The question about the *real* conditions of punishment thus emerged in a later time, representing equally the telltale sign of a change taking place, connected with the increased diffusion of criticism directed at institutions considered untouchable in other times. For the time being, pathological-criminal studies aimed at improving the means of detecting degenerative, ‘morbid’ and ‘abnormal’ cases and advancing a reform of army discipline capable of incorporating innovations in the medical-scientific field. In order to more effectively protect the consortium from the vices that compulsory and mass conscription fatally brought from outside, these proposals accentuated even in the field of military confinement; on the other hand, the constant revelation of personal and collective tragedies intimately connected with life in the army fostered an ideological strain, albeit not without anti-militarist veins, that advanced its blame on the military institution itself. As Silvano Montaldo suggests, this ambivalence was not necessarily at odds with the *ratio* of the exaltation of military detention. On the contrary, it linked to the emerging ideological paradigms those cognitive and reforming instances inherent in much of the scientific universe of the time, which presented itself as *neutral* when aimed at the efficiency of the institution, or *militant* when moved to overcome it¹⁹. The reform thrust emerged in one sense or another decidedly accentuated.

The military institution began to be singled out as a pathogenic factor, apt more than others not to educate to civilian life, but to habituate to violence and unleash otherwise latent tensions in society. There was also no lack of a watchful look at the resulting detention patterns, perceived, in discontinuity with the examples suggested by Buccellati, as a brutalization

¹⁷ Ivi, p. 174.

¹⁸ III. International Penitentiary Congress, *Catalogo della esposizione industriale e della esposizione dei tipi di celle, ecc.*, Roma 1885, pp. 58-60.

¹⁹ S. Montaldo, *Cesare Lombroso, l'antropologia criminale e la Grande Guerra*, in *Torino nella Grande Guerra*, cit., p. 101.

of the sphere of individual autonomy and as an obstacle to the process of human emancipation of which the nation-state was struggling to be the standard bearer²⁰.

The most important study of military criminal anthropology, which intended to go beyond Buccellati's classical school suggestions and refer to the new scientific orientations, was carried out by Pietro Brancaloneo-Ribaudo, a medical captain and professor at the University of Palermo. His reflections on the subject were stimulated, as he argued, by "[dal] l'aumento straordinario osservato nella criminalità militare dell'esercito italiano" and by "[dal]la prevalenza di un falso concetto politico, che esige di vere avvolto nel più assoluto mistero tutto quanto riguarda la criminalità dell'esercito, pel quale una grande maggioranza reputa miglior partito il silenzio"²¹. Brancaloneo-Ribaudo studied military inmates in prisons and military houses of punishment, focusing particularly on those housed in Savona and Gaeta, in whom he traced the characteristic features of specific dysfunctions (epilepsy, etc.) that confirmed the general clinical and taxonomic framework of his work.

Studies that, while insisting on the abnormal character of the prison population, aimed to shed light on a world otherwise hidden behind the mask of honor and nationhood, were increasingly joined by comments from outside observers who questioned the very social legitimacy of a body – the military – deemed far too refractory to the country's process of civilization²². The debate on the limits of military consortium, well reconstructed by Marco Rovinello's studies, later intersected with major controversies of the time, from the Dreyfus *affaire* in France to the repression of the 1898 uprisings in Italy, integrating with more properly political-ideological issues, to which military culture itself no longer remained foreign²³.

²⁰ C. Lombroso, *Misdea e la nuova scuola penale*, Torino 1884. Cf. L. Lucchini, *Soldati delinquenti: giudici e carnefici*, Bologna 1884; L. Bianchi, *Cesare Lombroso, Misdea e la nuova scuola penale*, Torino 1885. On the spread of studies on 'misdeism' see the bibliography listed in a note by E. Ferri, *Sociologia criminale*, Torino 1900, p. 225.

²¹ "The extraordinary increase observed in military criminality in the Italian army"; "the prevalence of a false political concept, which demands to see everything concerning army criminality shrouded in absolute mystery, for which a large majority considers silence to be the best party". P. Brancaloneo-Ribaudo, *Studio antropologico del militare delinquente*, Palermo 1893, p. 4.

²² E. Morselli, *Il Misdeismo nell'esercito*, in «La Scuola positiva nella giurisprudenza penale», 4 (1894), pp. 953-958; G. Ferrero, *L'Europa giovane: studi e viaggi nei paesi del nord*, Milano 1898; G. Sergi, *Sulla decadenza delle nazioni latine*, Torino 1900.

²³ M. Rovinello, "Giuro di essere fedele al Re ed a' suoi reali successori". *Disciplina milita-*

2. *The Gaeta recluse after the Zanardelli reform*

The nature and organization of military prisons, as seen, were being redefined in the last decade of the 19th century. At that time, the military detention model was elevated – thanks to the attestations of a whole generation of scholars, administrators and observers – as a virtuous example of redemption and commitment, which had initially represented in itself a significant step forward in the context of the crisis of the penal bath institution.

The Gaeta branch, already the privileged object of the scholarly studies we have passed over in examination, before the nineties was housed in the S. Angelo Barrack, a structure adjacent to but outside the Angevin Castle, at that time still the site of the most important – and cumbersome – penal bathhouse in the Kingdom. In 1891, as a result of the Zanardelli reform, the Gaeta penal bathhouse was closed, becoming, in keeping with the spirit of the law, a House of Correction and Detention, or civil reclusion. The change of use posed new challenges, first and foremost that of solving the problem of *physically* replacing a large prison population – the “coatti” – with another – the *normal* inmates: this was an operation that, involving hundreds of inmates in a limited time, posed quite a few logistical problems and was solved only by effective coordination between central and local authorities, as well as between armed forces and civilians²⁴.

The first director of the new civil penal branch, Federico Teodoro, who had come from the direction of the Montesarchio Penal House and transferred to Gaeta on the 3rd of November 1890, immediately denounced the inadequate preparation of the office staff and janitors, who were still marked by the discipline of the penal bath. At the same time, once the operational phase of the transition to civilian confinement was under way, the management grasped the problematic absence of employment of inmates. The tensions that swirled in the new prison house were no longer due to forced labor, but rather, paradoxically, “all’ozio, quasi generale, che per mancanza di lavoro si lamenta; al grande numero di

re, civilizzazione e nazionalizzazione nell’Italia liberale, in «Storica», 17, 49 (2011), pp. 95-140; Id., *Fra servitù e servizio: storia della leva in Italia dall’Unità alla grande guerra*, Roma 2020. On the impact of the Dreyfus *affaire* on the debate for the renewal of the army in Italy as well, see E. Serventi Longhi, *Il dramma di un’epoca. L’affaire Dreyfus e la stampa italiana di fine Ottocento*, Roma 2022, pp. 275 ff.

²⁴ See the note of the Prefecture of the Province of Terra di Lavoro, October 17, 1890, in State Archives of Caserta, Atti amministrativi, cat. 17, b. 100, fasc. 944, Trasformazione del Bagno Penale di Gaeta in Casa di Correzione.

condannati di pessima condotta, camorristi, ex domiciliati coatti, ecc. i quali s'impongono alla massa ignorante dei loro compagni"²⁵. The return of punishment practices such as *messa ai ferri* with only bread and water and the administration problems highlighted how, on the concrete level, the principles expressed by the Zanardelli reform were struggling to occur, accentuating the gap between the reality of recluses and political rhetoric or the principles of doctrine.

After a few attempts to identify possible new functions for the civilian imprisonment, there was a realization of the endemic inefficiency of an institution operating in a context, that of Gaeta, which, while advantageous by virtue of its geographic location, made *civilian* prison production unprofitable because it was embedded in a depressed and unreceptive economic reality: an effect that seemed, on the other hand, not to touch the military prison, which continued to function admirably in the barracks next door. After a few more episodes of revolt, the need arose to revive the productive dimension precisely by intensifying its relationship with the nearby military facility. In July 1901 Minister San Martino passed 'alla chetichella' – with 100 votes against and after a long and particularly strong controversy on the part of radicals and socialists over the costs of the reform – the so-called "concentration" law, which moved the main military prison – with the annexed printing press – from Savona to Gaeta, to which the General Command of military penal establishments was also assigned.

The reason for suggesting the reform was thus primarily economic, in the face of increasingly high costs of maintaining prison establishments²⁶. The new *Instructions for the Administration of Military Penalty Establishments* came into effect on the 1st of January, 1902²⁷: the 2nd Gaeta penitentiary – as the new detention facility housed in a part of the Angevin Castle was called – was annexed to the tailor, milkman, tinsmith, shoemaker, blacksmith-ironmaker and carpenter workshops that had remained ineffective in previous years, while a printing press was added to print

²⁵ "The idleness, almost general, which for lack of work complains; the large number of convicts of very bad conduct, camorristi, former forced domiciles, etc., who impose themselves on the ignorant mass of their fellows." Note from the Prefecture of the Province of Terra di Lavoro, September 26, 1891, in State Archives of Caserta, Atti amministrativi, cat. 17, b. 100, fasc. 950, Disorders that occurred in the Gaeta Penal House.

²⁶ Cf. Minister Santo Martino's report of March 1891, reported by Sylva Viviani, *Ammutinamenti e reclusori militari con relative spese inutili*, in «Avanti!», Jan. 27, 1904.

²⁷ *Amministrazione e contabilità. Istruzioni per l'amministrazione degli stabilimenti militari di pena*, 22 dicembre 1901, in «Giornale Militare», 1902, pp. 125-134.

forms needed by the military administration, so as to employ both new military prisoners and 'old' civilian inmates.

3. *Tensions in the Giolittian period*

Organizational adjustments clearly did not serve to maintain serenity in prison institutions, generating, however, partly because of the intermingling that the 'concentration' reform had created, an increasingly close contamination between the problems of civilian detention and those of military confinement. In a national context in which conflicts and tragedies were multiplying²⁸, in 1904 a military man, Major Di Nuccio, was appointed commander of the Gaeta prison. In a few weeks of strict direction of the reclusion, the officer generated a situation defined by various chronicles of the time as uncontrollable²⁹. The core of the problem emerged from various testimonies inside the facility: "quando un militare qualsiasi per un futile motivo (come l'aver le scarpe non perfettamente lustre, il camminare con le mani in tasca ecc.) venisse da un suo superiore condannato alla prigione, esso veniva preso immediatamente dai militari del personale di governo e portato alla prigione a furia di spinte, di pugni, di calci"³⁰. The increased aggressiveness of the government staff was consequent to two sensational prison riots, which occurred between 1903 and 1904, in which some anarchist prisoners were first protagonists. Prominent among them was the case of a soldier-anarchist, Medoro Ellandri, whose guilt allegedly boiled down – at least according to the defendant's account – in throwing a book at a prison wall in anger, causing pieces of rubble to fall on two officers. The sentence he suffered, to seven years in prison, was denounced in the leading socialist newspaper as the result of "Ebbene, – continued *L'Avanti!* – noi diciamo che tutto questo è

²⁸ See the case concerning the death of inmate Giacomo D'Angelo in Regina Coeli prison, in M. Gibson, *Italian Prisons in the Age of Positivism*, cit., p. 159.

²⁹ *Accuse contro il direttore del reclusorio di Gaeta*, in «Corriere della Sera», Jan. 25, 1904; *Le accuse contro il direttore del reclusorio di Gaeta*, in «Corriere della Sera», Jan. 26, 1904; *L'inchiesta nel reclusorio di Gaeta*, in «Corriere della Sera», Jan. 27, 1904.

³⁰ "When any serviceman for a futile reason (such as having his shoes not perfectly shined, walking with his hands in his pockets, etc.) was sentenced to prison by his superior, he was immediately seized by the military of the government staff and taken to the prison by thrusts, punches, and kicks." *Ferocie militaresche*, in «Avanti!», Jan. 8, 1904.

semplicemente inumano, inumano, inumano!”³¹. The Ellandri affair was also reported by some European socialist periodicals, reflecting the growth of an anti-militarist sentiment that identified precisely in military recluses the most authentic face of the typical repression of modern states³².

The events in question are particularly interesting from our point of view because they reveal the development of a sentiment of self-determination among the prison population that was evidently the child of a process of politicization taking place in the military world as well. Indeed, chronicles of the time recount that “siccome il tumulto prendeva gravi proporzioni, furono subito chiusi i cancelli di sicurezza dei vari dormitori, riuscendo a dividere in gruppi i rivoltosi. La rivolta continuò per tutto il giorno e la notte. Oggi la ribellione continua, né accenna a finire.” The inmate-occupiers went so far as to set up a stage in their dormitory: “Sul palco alcuni recitarono commedie che contenevano frizzi all’indirizzo del comandante e di altri ufficiali, suscitando le risa e i battimani di tutti i reclusi presenti.”³³. The inmates even put on a play to mock the government staff and management, “Indisciplinati, ma artisti!” wrote *L’Avanti!*.³⁴

At the end of a series of trials accompanied by further grievances and violence, there were severe consequences for many inmates involved in the uprisings³⁵. The court case, on the other hand, did not have immediate institutional repercussions, but nevertheless served to give breathing space to a campaign against the reality of “bolgie [sic!] carcerarie militari.”³⁶. First, the attitude of the “Government Personnel,” as the ‘vigilantes’ were formally called, or, according to anarchist and socialist newspapers, “l’accolita di tutti i questurini-nati, che arruolati nel regio esercito, si offrono poi volontariamente come guardiani dei reclusori militari,” was denounced. That of the custodial staff was a delicate and “painful” office

³¹“The survival of barbaric traditions. “Well, we say that all this is simply inhuman, inhuman, inhuman!”; *Una condanna militare enorme*, in «Avanti!», Jan. 24, 1904.

³² See correspondences in «Volksstimme», Jan. 27, 1904, and in «La Revista Blanca», Nov. 3, 1904.

³³“As the tumult took serious proportions, the security gates of the various dormitories were immediately closed, managing to divide the rioters into groups. The riot continued throughout the day and night. Today the rebellion continues, nor does it show any sign of ending”. “On the stage some recited plays containing frizzies at the commander and other officers, arousing the laughter and clapping of all the inmates present”. *L’ammutinamento al reclusorio di Gaeta*, in «Corriere della Sera», March 2, 1904.

³⁴ “Undisciplined, but artists!”; *Ciò che succede nel mondo*, in «Avanti!», Mar. 4, 1904.

³⁵ E. Guarino, *L’ammutinamento al reclusorio di Gaeta*, in «Avanti!», Jan. 12, 1904.

³⁶ *Nelle bolgie [sic!] carcerarie militari*, in «Avanti!», Jan. 30, 1904.

that - according to other commentators - could have been better exercised, instead of remaining “uno sfogatoio degli istinti più cattivi”³⁷.

The socialist press devoted itself to recounting the realities of “questa mostruosa mutilazione del diritto comune moderno”³⁸, namely the military confinement, which in the Extreme’s depiction assumed an even more nefarious role than the rest of the penal institutions. In it, most of the punished who had committed crimes attributable to normal delinquency – such as theft, camorre and the like – were intermingled with military offenders of a properly political nature, such as deserters and insubordinates; the expense, far from confirming that picture of efficiency described by ‘scientists’ and government men, was double that of ordinary recluses and not justified by the number of inmates. The reality of Gaeta in turn became by far the most negative example: there “la disciplina è ancora più rigida, il lavoro più faticoso, più produttivo e magramente ricompensato”; more severe and frequent are the punishments because “l’abiezione continua genera il malumore e la irascibilità dei caratteri”³⁹.

Government bodies held an ambiguous attitude, partly hard, partly accommodating, where cases to be repressed were handled, despite heavy sentences, in a manner conform to a prison policy that was becoming more sensitive to the pressures of an increasingly unquiet public opinion. Once the trials were over, the ministries involved began to call on the directors of prisons, including military prisons, to use more patience and tolerance toward inmates; to avoid exacerbating relations and to be inspired, rather than by a logic of iron discipline, by feelings of mercy and humanity.

The first result of this wave of protests, revolts and complaints was the approval by royal decree April 21, 1904, of the new regulations for military penal establishments⁴⁰. The ambivalent note of the new regulation for military penalty establishments is well summarized by *Il Digesto Italiano* of those years. On the one hand, the special character of

³⁷“The acolyte of all natural born cops, who enlisted in the royal army and then volunteered as guardians of military recluses.” “An outlet for the nastiest instincts”. *Personale Governativo*, in «Avanti!», February 7, 1898.

³⁸ “This monstrous mutilation of modern common law”. S. Viviani, *I disordini militari*, in «Avanti!», March 11, 1904.

³⁹“Discipline is even more rigid, work more strenuous, more productive and meagerly rewarded”. “Continual abjection breeds bad temper and irascibility of character”. *Nelle bolgie [sic!] carcerarie militari*, in “Avanti!”, January 30, 1904.

⁴⁰ L. Pasculli, *Rieducazione e pena militare*, Padova 2006, pp. 185-186. On the regulation of 1904, see V. Manzini, *Military Criminal Law, II ed. aggiornata con i codici del 1930*, Padova 1932. The decree was followed by the amnesty granted on the 17th of September 1904, cf. Official Gazette No. 227, September 29, 1904, pp. 4718-4719.

the military penal code, as distinct from normal penitentiary discipline, was confirmed:

Ma è veramente necessario un codice punitivo militare? Quasi tutti gli autori rispondono affermativamente, in quanto alcuni fatti che nel delitto comune sono soggetti a pena, devono, per la necessità della disciplina delle armi, esser invece puniti quando siano compiuti da militari, e in quanto per alcuni reati la qualità di militari costituisce un'aggravante così speciale da non poter essere riunita alle altre circostanze che rendono più rigorosa la pena anche nel diritto comune⁴¹.

The specificity of military punishment remained safe and justified precisely by conceiving a crime committed while wearing a uniform as an injury to the very body of the nation; which would have merited the strictest severity:

La disciplina degli stabilimenti penali militari è naturalmente rigorosissima e le sanzioni relative sono i turni di fatica, la sospensione dei supplementi vitto e tabacco, la prigione semplice, di rigore, di rigore con ferri, e le celle d'isolamento. In caso d'ammutinamento o pericolo di violenze è ammessa l'applicazione dei ferri corti, manette e cinture di sicurezza⁴².

On the other hand, the more liberal conception of the notion of punishment was finally accepted, even in military prison doctrine:

Lo scopo da raggiungere non è tanto quello di punire, quanto l'altro ben più elevato e importante di educare e di riabilitare e ciò non

⁴¹ "But is a military punitive code really necessary? Almost all authors answer in the affirmative, inasmuch as some acts that in the common crime are subject to punishment, must, because of the necessity of the discipline of arms, be punished instead when they are carried out by military personnel, and inasmuch as for some crimes the quality of military personnel constitutes an aggravating circumstance so special that it cannot be united with the other circumstances that make punishment more rigorous even in the common law". A. Gilardoni, entry *Militari*, in *Il Digesto Italiano. Enciclopedia metodica e alfabetica di legislazione, dottrina e giurisprudenza* (directed by Luigi Lucchini, Volume XV, part two, Torino 1904-1911, p. 180.

⁴² "The discipline of military penal establishments is of course most rigorous, and the relative penalties are fatigue shifts, suspension of food and tobacco supplements, simple prison, rigorous prison with irons, and solitary confinement cells. In case of mutiny or danger of violence, the application of short irons, handcuffs and seatbelts is permitted". Ivi, p. 189.

con la semplice coercizione, ma con l'esercizio dell'assistenza morale lontana da ogni asprezza e ogni disprezzo⁴³.

The final closure of the civil recluse in Gaeta, which took place in 1906, was accelerated, also in order to mitigate tensions among the inmates. The penitentiary conversion practices lasted a few months. On the 1st of February 1907, new premises were opened in the Angevin Castle, enlarging the space of the Gaeta branch⁴⁴. The administrative rearrangement was accompanied by the publication of a new disciplinary regulation in the same year, which was distinguished by a further and stricter warning against any political manifestations of the military on the one hand, and by the confirmation of the substantial mitigation of the punitive regime on the other. The legislature emphasized the fact that punishment should be “adoperata con grande ponderatezza, con molto tatto, con giusta misura, in base alla conoscenza che il superiore è in obbligo di avere dei propri dipendenti”, in order to preserve its effectiveness. It called, then, the director to avoid arbitrary attitudes, insulting or resentful expressions, and any kind of provocation, resorting to punishment only in extreme cases⁴⁵.

The result was the substantial stabilization of prison conditions in Gaeta, marked also by a softer attitude of government personnel, in accordance with explicit recommendations of successive liberal governments. Before the Great War there was no shortage of other episodes in the news, such as some escapes⁴⁶, but there were no other moments of collective protest.

The Castle, which was becoming a full-fledged military prison, was designated to house deportees in October 1911, in the aftermath of the Sciara Sciat conflict. The “Colonia arrestati arabi” housed nearly 700

⁴³ “The purpose to be achieved is not so much that of punishment, but the much higher and more important other of educating and rehabilitating, and this not by mere coercion, but by the exercise of moral assistance far removed from all harshness and contempt”. Ivi, p. 186.

⁴⁴ L. Torres, *Storia della reclusione militare*, cit. p. 467.

⁴⁵ “Employed with great thoughtfulness, with much tact, with just measure, according to the knowledge which the superior officer is bound to have of his employees”. Ministry of War, *Regolamento di disciplina militare per il Regio Esercito*, Rome, Voghera, 1907. See the considerations of P. Verri, *Le regole della disciplina militare in Italia nell'epoca moderna e contemporanea*, supplement to No. 1-2 of the «Rassegna della Giustizia Militare», 1977, pp. 78 and 84. On the 1907 regulations, see also M. Rovinello, “*Giuro di essere Fedele al Re ed a' suoi reali successori*”, cit. pp. 130 ff.

⁴⁶ *Quattro soldati evasi dal carcere militare di Gaeta e Due lombardi tra i reclusi fuggiti da Gaeta*, in «Corriere della Sera», Jan. 2, 1914 and Nov. 5, 1914.

inmates out of a total of 3,000⁴⁷. It was the last occasion of non-directly military management in the Gaeta establishment, which we therefore propose to explore elsewhere because it opens up further specificities in the models of management of prison populations. After the closure of the colony intended for the Arabs in November 1912, the facility was permanently militarized, eventually being made available to the Ministry of War and the General Staff in the years of the Great War.

Conclusions

From the studies conducted on the subject, a substantial continuity in the methods of management of the military prison institution has emerged between the pre-unification, liberal, fascist and republican periods, based on a basic immutability in the mechanisms of penal repression and the dysfunctional and arbitrary nature of the penal system linked to the army⁴⁸. In the context of liberal Italy, the concrete reality remained marked by the weight of the double isolation of the military prisoner from civilian society and army corps and the tendency on the part of institutions to extinguish instances of renewal rather than guide them toward systemic reform.

A more specific analysis of the reality of military confinement, also based on the study of specific cases such as Gaeta's, more adequately reveals its greater complexity. It identifies, beyond the slowness of reformatory interventions, the permeability of political and military institutions to the tensions of modernity and democracy, the development of new scientific trends and the new ethical, political and ideological orientations that were spreading among public opinion. The agitation to achieve the civilianization of military justice and push for the abolition of military penal establishments remained, at the turn of the century, pretty ineffectual, but, partly by virtue of the growth of a reforming culture and

⁴⁷ Cf. S. Hasan Sury, G. Malgeri (edit. by) *Gli esiliati libici nel periodo coloniale (1911-1916)*, Roma 2005; M. Missori, *Una ricerca sui deportati libici nelle carte dell'Archivio centrale dello Stato*, in *Fonti e problemi della politica coloniale italiana: atti del convegno, Taormina-Messina, 23-29 Ottobre, 1989*, Rome 1996, pp. 253-358. C. Moffa, *I deportati libici della guerra*, Torino 1990; A. Del Boca, *Gli italiani in Libia*, Milano 2010 (first ed. 1993), p. 115.

⁴⁸ Cf. G. Neppi Modona, *Carcere e società civile*, in *Storia d'Italia*, vol. 5, I documenti, Torino 1973, pp. 1903-1998.

the sedimentation of a more radical anti-militarist sentiment, it became an integral part of those dramatic twentieth-century events that culminated in the battle for the conscientious objection law.