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Introduction to Enemies of the State Criminals, “Monsters” and Special Legislation in the Society of Control

(Appended with a brief synopsis of the whole book’s content)

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One

We will try to be graceful.

By “emergency” we mean the continual and instrumental re-definition of the “public enemy” by the powers-that-be. Thanks to emergencies, the ghastly “public opinion” accept not only the violation but even the *invalidation* of the rights formally warranted by Constitutions and the declarations of human rights. Accept? Indeed, more than that: they consider such invalidation *desirable* and *necessary* in order to “defend democracy”.

In Italy, since the 1970’s, the method of government has consisted of a sequence of emergencies. This country has always hosted a complex dialectics of *unconstitutionality*, within which emergency has established a rethoric, a fluid but none the less totalitarian system of metaphors and a peculiar way of crystallizing the new rules both in the law and the national morals.

Emergencies serve to introduce new forms of coercion in the social division of labour, or at least to preserve the current ones. Yes, they are also functional to gangster-like settlements between different sections of capital, as happened with *Mani Pulite*¹ ... However, this is part of the aftermath rather than the cause: the primary need is the abovementioned coercion, social control and the prevention of likely “deviations” and antagonisms. The clans fight against each other precisely to administer this prevention.

In Italy the emergency *per antonomasia*, represented by the war on “terrorism”, started as a counter-movement to the struggles of the *Autunno Caldo* [Hot Autumn]: the state took action to destroy the vanguard of rebellious workers by using “subversives” as a scapegoat and a diversion, therefore it forced all social conflict in the sphere of criminal law and the judiciary. After the end of that war, the emergency was far from being over, indeed, it became *permanent* and, what is more important, *molecular*.

We have studied the policies and rhetorics of emergency and singled out a trend: the *molecularization* of emergency, which has moved forward from the public sphere to social micro-relationships, from public order to privacy, down to the depths of individual differences. In other words, from the Political (a realm that has already been colonized and reconstructed) to the Cultural (by which we mean the Anthropological), and then to the... Spiritual.

The change was imposed by three different strategies:

¹ “Clean Hands”, a mega-inquiry on bribery and political corruption (1992-96) t.n.

- A revision of the legal system, bringing about a *personalization* of the criminal law, new remunerative mechanisms for collaboration and the improvement of what we have called “Catholic model”, i.e. the Inquisition-like method of inquiry.

- A terroristic use of the media, with continual and aggressive alarmist campaigns that provoke a demand of “law and order” by the “people”. The latter are little more than an indistinct tangle of statistical samplings goaded by slogans and farcical polls.

- On a transnational level, a constant “hijack” of technological innovation, i.e. the installation of ever new devices of control (phone and computer interception; closed-circuit TV in offices, stores and shopping malls; surveillance cameras in the streets; lurking satellites; electronic bracelets for people on house arrest etc).

Italy has been a laboratory, as happened in the 1920’s with fascism and again in the post-war years, when the country became a lively, theatrical battlefield of Cold War. The legal, media and generally *biopolitical* experiments of the last 25 years have proved to be very useful during the process of pan-European integration of repression and social control.²

The *molecularization* of emergencies is typical of the postmodern state and its methods of government. These methods *always* respond to new disciplinary patterns in the organization of labour. In the age of post-Fordism a new kind of living labour has emerged, which capital must keep under control. This is the reason of the wicked assaults on the Internet by the police, the judiciary and the governments all around the world. The Internet is the most important scapegoat of this age, the Mother of All Emergencies To Come, the *Jihad* that anticipates and justifies any local conflict.

In its monologue, the postmodern state describes itself as self-sufficient, no longer in need of any legitimation stemming on a confrontation with “civil society”. Capital has always cultivated an utopy, that of “showing itself as separated from labour, depicting a capitalist society whose dynamic foundation is not labour anymore, and whose social dialectics is no longer defined by the struggle between capital and labour” (Antonio Negri & Michael Hardt, *The Labor of Dionysus*).

Negri and Hardt have studied the main contemporary juridical theories and found that they are perfectly in tune with the utopy of capital. They are based upon a *de-constitutionalization* of labour, which is a consequence of the removal of social conflict and its creative-constituent force.

The postmodern state is a bionic *nosferatu* armed with a truncheon and an electric goad, a bleak-skinned Terminator whose only aim is to keep order. There is no room left for that “Dionisyan” force which managed to thread its way into the Constitutions of the Fordist-Keynesist age, mere references to which in those texts might start a change in the *status quo*.

We are going to explain this point. The Article n.3, third sub-section, of the Italian Constitution says:

It is the duty of the Italian Republic to remove the economic and social obstacles which prevent the human persons from fully cultivating themselves, and the workers from taking part to the political, economic and social organization of the nation.

The Constituent Assembly accepted a proposal made by the socialist Lelio Basso. As a matter of fact, the Italian Constitution includes elements (albeit softened) of Karl Marx’s critique of equality, indeed, of the *formal* and *individualistic* concept of equality embodied in the liberal state. In one of his most beautiful and powerful writings (*The Jewish Question*, 1843), Marx explains that the protagonist of “the rights of man” is none other than the “abstract citizen”, that is “the egoistic

² In plainer words, this essay is about the shift – first noticed by Gilles Deleuze – from the “disciplinary society” to the “society of control”, although we lay the stress upon the historical, *diachronic* mechanisms and the responsibilities of those who *governed* the shift. On the contrary, scholars use to offer a half-stunned depiction of a set of cybernetical automatisms whose perfectly *synchronic* totalitarianism ends up by *absolving* everybody. We are *not* postmodernists, that is: OK guys, the paradygm was understood by all and sundry, stop enunciating it over and over again and, what’s more, stop contemplating yourselves while enunciating it, for this is the worst thing about all fans of French theory, be them “Foucaultists”, “Deleuzists” or even “Baudrillardists”. Let’s put the fucking paradygm into practice now, and start over from labour and the humans.

man, the man separated from man and the community [...] the *confined* individual, confined to himself”:

None of the so-called rights of man, therefore, go beyond egoistic man, beyond man as a member of civil society – that is, an individual withdrawn into himself, into the confines of his private interests and private caprice, and separated from the community [*Gemeinwesen*]. In the rights of man, he is far from being conceived as a species-being [*Gattungswesen*]; on the contrary, species-life itself, society, appears as a framework external to the individuals, as a restriction of their original independence. The sole bond holding them together is natural necessity, need and private interest, the preservation of their property and their egoistic selves.

During a century of struggle, the workers’ movement had expressed a devastating *practical critique* of this concept of equality. Workers had fought a ruling ideology which demanded a legal, formal, *abstract* equality while defending and extending the socio-economic, actual, *concrete* inequalities. Lelio Basso and other members of the Constituent Assembly who came from the workers’ movement managed to insert that critique in the “basic principles” of the Constitution.³

Although it was a well-deserving enterprise, we must put Basso’s personal initiative in a more general context. It was the development of the “welfare state” - starting from the economic theories of John Maynard Keynes and passing through the politics of Roosevelt’s “New Deal” – that made necessary a regulation of the conflicts provoked by the living labour. The consequence was a new legal system based upon labour, of which our Constitution is a good example.⁴

On the compromise between which forces, on what material relationships did the *constitutionalization* of labour found itself? And why did that compromise crumble to pieces during the 1980’s? And what’s more, what has this to do with emergencies, the police state and the society of control? Actually all the latter start from the end of the compromise.

The matter was summarized several times: the old Fordist-Labourist constitution of the welfare state has entered a crisis because the forces that wrote it do not exist anymore:

On one side was the national bourgeoisie, on the other was the industrial working class, which was organized in the unions and the socialist/communist parties. Then the liberal-democratic system was adapted to the requirements of industrial development and the sharing out of the global income between these two classes. Although the formal constitutions might be different from each other, but the ‘material constitution’ – the basic agreement on how to share powers and counterpowers, labour and income, rights and freedoms – was substantially the same. The national bourgeoisies gave up fascism and granted

³ There can be little doubt about Basso’s purpose, further evidence is a speech at the Senate in 1975, in the days the infamous Legge Reale (see chapter 1 of this book) was discussed. Basso defended “his” art. 3 and expressed the broad (subversive to the extent of being paradoxical) interpretation he had had in mind for thirty years:

“The article 3, third paragraph, of our Constitution says that the Republic has the duty of removing all social disequalities. I do not know whether the Italian police has grasped the meaning of that article, anyway, it is established that the legal system of this country is aimed at changing the social order. The police must not act as the protector of the social order, for the police must protect the legal system, and the Constitution happens to say that our legal system wants a radical and deep change of the social order, a clearance of social inequalities. The police have neither the duty nor the right to unconditionally defend property and power, quite the contrary, they must defend the sovereign people that fight inequality to put the article 3 into practice. This is the meaning of the Constitution”

⁴ It was the action of the working class that destroyed the ideology of “Laissez Faire” and the narratives of classic liberal economics (the “invisible hand” of the market which would solve every problem etc.). In order to save capitalism from revolution or – even worse – from its inner anarchy (see the 1929 crisis), it became necessary to find such new economic solutions as Keynesism. Fascism and the “New Deal” were two different experiments which capital ran at different longitudes. Fascism proved to be troublesome: it fettered and constrained the *antagonist* dimension of living labour (to the advantage of the merely *productive* one) more than it was tolerable. While doing this, it even started an anti-liberal counter-revolution which stemmed on a blood-and-land totalitarianism opposed to the “totalitarianism of the rights of man” (K. Marx). Therefore a bloody inter-imperialistic war exploded (1939-45) and fascism was “discarded”, though the winners appropriated some of the most “acceptable” innovations of the losers. What was the logical prius of the whole mess, if not the initiative of the “rude pagan race” [Mario Tronti’s description of the proletariat, t.n.], the Class, which wanted “to do like they did in Russia”?]

themselves (in the context of a continuous growth) a power of exploitation within a system providing *welfare* for the national working classes; the latter gave up revolution. Once the crisis of the 1960's came to an end with such an emblematic event as May '68, the constitutions of fordist states fell in. The signatories [...] had changed. One on side, the bourgeoisies got international and based their power upon the financial metamorphosis of capital, till they became abstract representations of power; on the other side the industrial working class went through radical changes in labour processes (automation in the factory and informatics in the society) which entailed its cultural, social and political transformation. A multi-national, financial bourgeoisie that does not want to bear the burden of national welfare anymore vs. a diffuse intellectual proletariat whose needs cannot be fulfilled in the context of the fordist compromise." (Toni Negri, *L'inverno è finito. Scritti sulla trasformazione negata, 1989-1995*, Castelvecchi, Rome 1996, p.215)

A plenty of ink was poured to describe the crushing neo-liberal offensive that produced the so-called *Pensée Unique* [the Sole Thought, ie. economic neo-liberalism], 1980's "Reaganomics" and Thatcherism, deregulation and dismantlement of the welfare state, the apocalyptic policies of the IMF etc. There is no need to summarize those events once again, it is enough to say that social dialectics is over: institutional negotiation of conflicts has been replaced by the isolation and brutal *exclusion* of the conflict-bearing categories, ie. large portions of the society.

Then what has the state become? While looking at the mirror it tries to "think thin", but it has a large size, it *intervenes* as a warder, a cop, a law-man. The political colour of governments does not mean anything, pale rose pink or light grey, what is the difference? The *postmodern police state* is a product and an element of the new *transnational material constitution*. In plain words, the state is the watchdog of a financial capital that is ever more vampiresque and devoted to the wildest destruction. Sometimes the pitbull turns into a *Sanbernardo* with the liquor keg round its neck, ready to save this or that corporation fallen in a crevasse. Is there any other way to describe the obscene Multilateral Agreement on Investments?

The postmodern state no longer incorporates emergency as an exception or a stretched point in the Constitution; rather, emergency itself has become a rule. Once cancelled any acknowledgment of the conflict between state and society, as well as between labour and capital, the functions of the state are reduced to a mere "police science". Every conflict is interpreted as an emergency, and the state will *prevent* (extending and improving social control, thanks to technologies which people could not imagine a few hours ago) and repress (increasing the power of order-keepers).

In order to govern the above-described shift in the particular Italian situation, the capitalist class had to trust the magistrates and build an "authoritarian judicial state", based upon the "catholic model", whose source of "self-contradicting jurisprudence" is the striking contrast between the republican Constitution and the fascist legal system. As we will see, the judiciary guaranteed the survival of the system during the 1970's and the 1980's, then appointed itself for a "special mission" and accelerated the necessary change of political leadership, until it became a threat to stability and the other powers of the state decided to set limits to the magistrates' inquisitorial autonomy, to the advantage (and it is happening right now) of a more integrated, far-reaching and effective *polizeiwissenschaft*.

This is what's occurring on the side of capital. What about its perplexed antagonist, ie. living labour? In the course of the crisis it has been de-constitutionalized, avoided, excluded, dispersed, turned into a subject of emergency... And yet every myth appearing in the self-flattering monologue of the power finds a counterpoint in another one which is not mentioned but hides in the shadows and sometimes emerges as allusion, fragment, coincidence. No author dares telling the whole story. It is the myth of Dionysus, of that creative force that's everywhere and anybody. *All* is created by the irreducible pressure of living labour, living labour is a vampire-killer whose conflict never ends and continually shifts its shape. The new molecular emergencies serve to control and censor electronic communications, indeed, the behaviours of the new immaterial workers who are re-appropriating their know-how and tendency to innovation, becoming ever more *autonomous* from capital as direct command on the work-force. At any moment their use of computer nets might become dysfunctional, turn into sabotage and organization of the struggle, "electronic civil disobedience". It is the *operaio sociale* [the worker of the social factory, t.n.] the real emergency.

The Internet, this presumed Saviour, is already setting crime free. The monster of Duesseldorf and the proud Landru would seek their victims outdoor, sometimes they had to toil to find them. The computer killer stays home, sitting before the video, waiting for the name and picture of the victim. Who knows whether he stands up for murder or keeps his seat in the invisible stream of blood? One of the supreme tragic authors of modern times, Georg Buchner, wrote in Act 1 of *Death of Danton*: 'The Nihil is the World's God about to be born.' This is the Messiah coming from the Internet's video: the Nihil, a bloody Nihil, a *Weltgott* who is not satisfied of the void. The worldwide web of paedophiles is one of its lethal creations." (Guido Ceronetti, *La Stampa*, 8/9/1998)⁵

In such assertions we notice the fear of the great "disintermediation" brought about by the Internet. Of course this process frightens the survivors of the pre-digital *Ancien Régime*, those classes and groups that had an *intermediatory* function: between labour and command, between the receivers and the sources of information (journalists, "experts", opinion-makers), between the citizens and the power (bureaucrats) or even between Being and Nothing (Ceronetti), between ideas and things etc.

Of course not every public prosecutor investigating "computer crime" is aware of this process, but there is a mechanism at work fostering ignorance and moral panic, therefore the police raid the houses of predictable targets such as "strange" and "unclassifiable" categories: mass-intellectuals, *netizens*, "the 2nd generation of self-employed workers" ("I can't understand what they do for a living!") and that galaxy of "sub-cultures" whose cultural consumption is perceived as *extreme* and often coincides with "alternative" self-production.

These repressive operations take place on a planetary scale, for the first time ever moral panic lies in the very instruments of work and communication (means of production that the *operaio sociale* has got to control directly). People talk about censorship, "self-regulation", content rating, special software that makes the Net more "family-friendly".

The previous struggles of living labour brought about a "democratization" of computing. Capital has recuperated, yet the postmodern police state cannot allow people to do what they want with computers, then it takes measures.

In this picture, the continual sequestrations of computers are forms of prevention and control by the intimidatory example of a *dismissal from the diffuse factory*. Those who write the intangible hand-books of post-fordist social control are "citing" episodes from the previous textbooks: the most unruly workers are fired so they will not spread insubordination.

The postmodern police state must cancel the social conquests of the previous struggles (even going back to 1789 and pleasing the Vatican sorcerers if necessary... and it *is* necessary!) and prevent the new living labour from writing *its own* "constitution".

In order to impose discipline to communications, i.e. to *immaterial labour*, emergencies shift from the *molar* (the clash between masses, the battlepiece, the confrontation on the stage of public life) to the *molecular* (the everyday micro-conflict, the control on individual differences by information technologies).

This is all the second part of this book is about: molecular emergencies require a semiotic World War fought by long-range rethoric missiles. In "Center-Left"-governed and Holy-Jubilee-crazed Italy this war is fought by the Church above all. The Vatican is strengthened by Woytila's restoration, so-called New Ecumenism and hyped-up geopolitical victories.

It is evident that the "Autonomist"/post-*Operaista* current of Italian marxism misses an analysis of the Vatican as a landless superpower, a police-less state, a huge parasite of immaterial labour and – as a direct consequence – an emergency-making machine. Maybe we have been afraid of falling into stale anti-clericalism, old-fashioned anarchism or a 19th Century Garibaldi-like ideology. Anyway, is there any other established power as experienced as the Church in the organization and *molecular* management of a control system operating *without* and *beyond* the liberal-democratic state form?

⁵ Ceronetti is a rather snobbish reactionary writer, t.n.

It is not anachronistic saying that the Church is one of the most subtle and dangerous enemies, also because there are no anachronisms in a society where the most heterogeneous phenomena exist side by side (the Internet and the *Blut und Boden* logic, Padre Pio's stigmata and transgenic soy).

Furthermore, as noticed by Toni Negri, if the international bourgeoisie has no productive role left, and is only a financial parasite, "a sort of Roman Church of capital, whose Bible, saints and miracle are represented by the sole money", would it be so strange if the *real* Roman Church asked the bourgeois a re-submission *beyond the metaphor*? And if, as noticed by Italo Mereu (see chapter 4), the "catholic model" has provided the European ruling classes with an almost perfect repression of dissent, it is only normal that the Church claims the "copyright".

Two

In 1969, a year after the beginning of the students' movement, the industrial working class took action and started a struggle for equal wages and workers' rights, the so-called Hot Autumn. The struggles checkmated the bosses, extended to every category of labour and forced the government to a period of reforms which would last almost five years. It is proper to recall the Statuto dei Lavoratori [Chart of Workers] (Act no.300, 20 May 1970), Divorce (Act no.898, 1 December 1970), Conscientious Objection (Act n.772, 15 December 1972) and the proposal of reform of the Criminal Procedural Code (Act n.108, 3 April 1974).

However, this was not the only reaction of the state. There were at least two more.

The first one was police violence. Here are a few examples:

2 December 1968, Avola, province of Siracusa [Southern Italy]. General strike of day-labourers demanding the renewal of their contract. The police shot at crowd level, killed two persons and wounded dozens.

9 April 1969, Battipaglia, province of Salerno [Southern Italy]. Demonstration to prevent the shut-down of a local tobacco factory. The police shot and killed a demonstrator and a woman looking out a window. Over a hundred people with gun wounds.

2 August 1970, Porto Marghera, Venice. Metalworkers and petrochemicals on strike. Barricades in the streets. During the negotiation between the police and the workers, an officer shot and hit a worker's liver twice.

The second reaction was the "Strategy of Tension", that is the delinquent provocation organized by such sectors of the state as the intelligence services. The bomb in Piazza Fontana (12 December 1969) inaugurated the period of state havoc and police frame-ups. [...] It was the state the first to adopt terroristic methods. The Red Brigades and other similar groups came out later and should be regarded as an *aftermath* of bombs and repression, a disgraceful response to provocation.

In spite of many troubles and mutual misunderstanding, the dialogue between the new movements and the parliamentary Left (which was evidently taken by surprise) went on until 1973. In 1969, after the Avola massacre, the PCI (Italian Communist Party) had proposed to disarm the police. In 1972, when the police killed the young anarchist Franco Serantini in Pisa, one of the oldest leaders of the PCI, Umberto Terracini, had written inflammatory words on the party's weekly review *Rinascita*:

I believe that the thrilling event of the Pisan elections' eve should force the country to impose a radical reform of state corps such as the judiciary, the police and the prison system. The sixth legislature⁶ must handle the issue without ambiguity or fear, running a red-hot spike through the gangrenous bellies of those institutions, which fed on the toxic saps of dictatorship and are corrupting democracy from the inside. The Pisa horrible murder is a warning symptom of metastasis. (cited in: Corrado Stajano, *Il sovversivo*, l'Unità/Einaudi, Rome 1994, p.123)

In 1973 (as Terracini was indicted for "Defamation of the Judiciary and the Armed Forces of the State") the PCI opposed a government bill that would introduce police detention in the criminal law. A new phase was about to start though.

Zoom out: right in 1973, on the initiative of David Rockefeller, the most important tycoons and corporate men from America, Europe and Japan formed the Trilateral Commission, a lobbying super-entity which also included politicians, journalists and economists. According to the Trilateral, the "potentially endless extension of political democracy" was to be limited in order to protect the system's "stability". The participation of ever more groups ("the black people" in particular) was provoking "a weakening of the traditional means of social control" and "a delegitimation of political authorities". The system was "overloaded with demands that extended its functions and eroded its authority", and could keep working only by "a certain amount of apathy" and "a

⁶ The 5-year period between national elections, t.n.

marginalization of certain groups". The Trilateral assumed that the governments had to face an "internal menace" represented by the radical intellectuals who would spread "distaste" and "discontent"; this danger was, "at least potentially, as serious as the fascist and communist movements were in the past" (M. Crozier – S. Huntington – Y. Watanuki, *The Crisis of Democracy: Report on the governability of Democracies to the Trilateral Commission*, New York University Press, 1975). That was when the "stability" and "governability" of the system began to be considered of undisputable value *per se*. The crisis of the fordist welfare state would flow into a long process of authoritarian involution.

Zoom in: by the proposition of a "Historical Compromise" the PCI started to change its strategy till it gave its full support to repression and the special legislation, exhort its activists to become snitches and send sympathizing magistrates to the war on subversion. It was an irreversible mutation that would turn the PCI-PDS to a police-fetishist party which might even have Judge Dredd and Mario Cobretti as members. Let's go on step by step.

The "Historical Compromise" was announced at the end of 1973. It was the project of an alliance between the two biggest Italian parties, the PCI and the DC (Christian Democrats). After the *golpe* in Chile, Enrico Berlinguer (secretary general of the PCI) assumed that the Left could not govern alone, not even with the 51% of votes, thereby Italy had to give up the *conventio at excludendum* imposed by the United States and accept the PCI in the government coalition; the catholic and communist masses should unite and form a new social majority in order to avoid the danger of a *coup d'état* (the Chilean DC had backed Pinochet's *golpe*). The DC responded with hostility, never the less Berlinguer persisted and explained his position at the 14th Congress of the party (March 1975). After that, the PCI needed to prove it had become a loyal, democratic and pro-NATO party, thereby it collaborated to impose so-called "Austerity", a.k.a. "the Policy of Sacrifice", ie. deflation and cutting down of expenses as made necessary by the oil crisis and the beginning of the end of fordism.

In the election for regional and city governments of 1975 the PCI got the 33.4% of votes (+5.5% compared with the general election of 1972). A year after (general election), it reached the 34.4%. That did not mean that the masses gave their consent to Berlinguer's strategy; quite the contrary, it was the aftermath of the Left's victory on divorce (1974) and the period of reforms started with the Statuto dei Lavoratori. The PCI misunderstood its own success and allowed the DC to form a one-party government led by Giulio Andreotti. This paradoxical strategy was called "non-sfiducia" [non-mistrust], one more step toward the Historical Compromise.

It was in those years that so-called *consociativismo*⁷ took its definitive shape at local and national level. This was not in order to "watch over the system", indeed, since the PCI wanted to be accepted in the government it gave up any control and never reported cases of police repression and political corruption. It should not take anybody by surprise that the great reformist phase which started in the Autunno Caldo ended at the beginning of the strategy of Historical Compromise.

Social conflict got more intense, harder, and since the country lacked a real opposition, the movement could not help but quitting all traditional forms of political and labour representation. This was the period of "autonomous assemblies" in occupied factories, entailing the birth of the area known as "Autonomia Operaia organizzata" [Organized Workers' Autonomy]. Keeping the "public order" was so difficult that the system needed special legislation. The first chapter of this book starts at this point, with the "night of the long knives" during which the PCI persecuted and annihilated anyone on the far-Left, or gave them in charge of executioners.

By any means the PCI consecrated its own structure to destroying the movements in factories, high schools, universities and quarters. The party offices became branches of police stations, the dissidents were threatened and any old weapon of the stalinist arsenal was used in the war on "terrorism" and subversion. The confusion among the working class members of the party was exploited in a long hate campaign against "extremists", "grouplets", "autonomists" and

⁷ The system of unofficial agreements between all political parties, including the left-wing opposition, on the people to put in state agencies and the boards of directors of public companies, t.n.

“terrorists”. The PCI spread psychosis in its offices because the politburo could not stand that some Red Brigade guerrillas arrested by the police were ex-members of the party. The public prosecutor Ferdinando Imposimato once said:

During my inquiries I saw that the PCI was the fiercest enemy of those “deserters”. The party offered collaboration, gave us names... More than once I received an attorney speaking on behalf of Berlinguer, who would give me news and details about indicted people... In some cases the PCI carried the thing too far, for example it expelled an union man whom a “repentant” had accused falsely. (cited in: Centro di Iniziativa Luca Rossi, *Gladio, Stragi, riforme istituzionali*, self-published in Milan, 1991, p.33)

The 1977 movement enacted the definitive, mutual enmity between the movement and the Party/Union. “Plague-spreaders” and “fascists” were some of the insults Berlinguer addressed to the students that occupied the universities. In Roma, the students kicked Luciano Lama⁸ and his security out of the campus. In Bologna, a town that was a showcase for the party’s ability to govern, there was the hardest – and most symbolic – clash:

The double organization of the PCI re-emerges in Bologna, where the personnel of city-managed companies turn into a para-military apparatus. A public institution provides a political party with violent squads. This is far from being unheard of in a country where the Christian Democrats deem the state as their own property, but it is obscene all the same. As a matter of fact, [in Bologna] there are city council offices using public funds to spy on the enemies of the party, whose personnel is at complete disposal of the police. (Giorgio Bocca, *Noi terroristi*, Garzanti, Milan 1985, p.178)

From February to March 1978 the president of the DC Aldo Moro draw rein to a government of “national solidarity”, which the PCI would support in the Parliament even if there were no communist ministers. On March 16th, the very day the government was to take office, Moro was abducted by the Red Brigades. During the 55 days of Moro’s detention in the “people’s prison”, the PCI was at the helm of the “front of firmness”, which pig-headedly refused to negotiate with the kidnapers and let them carry on with their death sentence.

The party’s rank-and-file activists were so puzzled that the next election of local governments (May 1978) resulted with a serious failure of the PCI (-7.1% compared to the general election of 1976). That was the end of the tendency started with the Hot Autumn. “National solidarity” came to an end too, because the heavy loss of votes brought about a crisis within the party, which got out of the government in January 1979 and started over from talking about an “alternative”, as if nothing had happened.

Indeed, no alternative was possible since heroin was everywhere, all revolutionary and youth vanguards had been destroyed, hundreds of activists were crowding penitentiaries and many others fled abroad avoiding prison by the skin of their teeth. What is more, a *pax romana* had been imposed in the factories, where the bosses were free to speed up downsizing and massive dismissals. Capital surpassed fordism by brutal force. In 1980 the defeat of the FIAT metalworkers in Turin and the bomb massacre at the Bologna railway station were the most appropriate epilogue to a decade of tragedy.⁹

⁸ The secretary of the CGIL, the biggest trade union, which at that time was controlled by the PCI, t.n.

⁹ After the Bologna havoc, as had happened with the previous bombs, the investigating authorities found a scapegoat, pressed charges against an extremist organization (the fascist Nuclei Armati Rivoluzionari) and took them to court for a political trial. We believe that Francesca Mambro and Giusva Fioravanti are *not* guilty. Should we content ourselves with getting the head of a villain (any villain, preferably a fascist) on a silver plate? In those days the comrades of the group *Insurrezione* wrote:

“The NAR being charged with the Bologna massacre is not different from the Anarchists being indicted for the bomb in Piazza Fontana. Both were *state-organized* massacres. Now the logic of state propaganda is: there is only one terrorism, that of extremist organizations, no matter their political colour [...] In this state of tension and social alarm the keepers of capitalistic order can hit everywhere, therefore the ‘2 agosto’ became the ‘21 dicembre’ of neofascists.” [On December 21nd 1979 the police arrested dozens of Autonomia activists all over the country, t.n.]

The PCI would never admit its responsibility, indeed, the *nomenklatura* pinned the cockade of the “victory on terrorism” at their buttonholes.

Three

When we think of the 1980's nothing comes to our mind, as Karl Kraus wrote about Hitler. *Almost* nothing... No media-hyped revival can gild the pill that poisoned our teens. We need more movies like Paul Thomas Anderson's *Boogie Nights* in order to stop all absurd nostalgia. We had to take a strong anti-emetic to be able to write the chapters dealing with that period. We couldn't avoid that, for the Eighties were a crucial decade for emergencies.

As we said above, the PCI went back to the Opposition. As regards this we'd like to use the words of Cesare Bermani:

As the PCI is entirely committed to the war on "leftist extremism", P2¹⁰ extends its powers. In fact the repression of the 1977 movement - to which the party devoted its whole structure - is a further reason for the extension of armed struggle. [This extension] will take the party away from watching over secret political agreements". (Centro d'iniziativa Luca Rossi, edited by, 625. *Libro bianco sulla legge Reale*, self-published in Milan, 1990, p.92)¹¹

Anyway, the party started to talk about "the moral question" [ie. political corruption], which re-addressed the diligence and reputation of so-called "democratic magistrates" (who were pro-PCI), the public prosecutors that had destroyed the movement. In the early years of the new decade the investigations on P2, the Teardo affair, the national oil scandal and the bankruptcy of Banco Ambrosiano,¹² were led by the same District Attorneys that repressed armed struggle on behalf of the "national solidarity" forces.

It was the beginning of a conflict between the judiciary and some sections of political power, a conflict which kept heating for the whole decade and burst out after the fall of the Berlin wall. During that period the magistrates started to carry on a "substitute revenge" (Sergio Bologna). It was a way of defusing the last remnants of social conflict: all citizens who were victims of corruption would feel temporarily gratified each time a politician was handcuffed.

Those magistrates were obviously taking their revenge on the Christian Democrats (who got rid of the PCI when they no longer needed it) and the new Socialist Party led by Bettino Craxi. The latter were the only party that had not accepted "firmness" on the Moro affair and tried to negotiate with

¹⁰ P2 = "Potere Due" [Power Two], a huge underground network connecting masonic lodges, right-wing tycoons and corrupted politicians. Its founder and leader was Licio Gelli. Among its members was Silvio Berlusconi. P2 offices were found and raided by the police in 1982, t.n.

¹¹ Of course the PCI and its heirs have quite another interpretation: the party entrusted these issues to a number of conspiracy theorists who "exposed" alleged links between far-leftist subversion and intelligence services (both Italian and foreign). Even a parliamentary commission issued reports filled with such acronyms as CIA, KGB, OLP, fascinating names (Hyperion) and flawed syllogisms. The most prestigious conspiracy theorist of the former communist party is one Sergio Flamigni, formerly a member of parliament. The official soapbox of this area is the magazine *Avvenimenti*. [...] A good example of virtual connection [found in more than one book]: when the Mafia *allegedly* attempted to the life of talk-show host Maurizio Costanzo, the bomb exploded a few hundreds of meters *away* from a movie production company which *is rumoured* to be a cover-up for the SISDE [the Italian civil intelligence, t.n.]; *another* company bearing a *similar* name has its office in via Nicotera, where *15 years before* was Hyperion, a cultural center *suspected* to be part of Europe's terrorist network; there is another *rumour* that Andreotti himself was involved in setting up Hyperion through a Dominican monk who *allegedly* worked for the CIA. So fucking what? That's just a sky-high pile of bullshit! Such conspiracy theories are essentially conservative, they make people feel helpless and beef up the reputation of yet another "honest public prosecutor". Those who utter them are only trying to excuse themselves by saying, more or less: "We supported the 7 Aprile witch-hunt, but we did it in order to expose the secret powers behind". Shame on them.

[By the way, it is worth noticing that Guy Debord - a savagely over-estimated thinker - wrote the same bullshit in his *Comments to the Society of the Spectacle* (1988): "...when Aldo Moro was a prisoner of Potere Due...", t.n.]

¹² Famous cases of systematic political corruption involving P2, the bank system and several top leaders of the socialist party, t.n.

the kidnapers. Moreover, Craxi's PSI was going to present itself as the tongue of the political compass, enter the government and exclude the communists forever. Actually the PSI scented danger and tried to set limits to the power of the judiciary, e.g. by proposing civil liability for judges making mistakes. We know the end of the story: the party was disintegrated and its secretary had to escape from Europe.

However, it took years before the "Five-Party Coalition" (aka the CAF, Craxi-Andreotti-Forlani) was effectively damaged by the investigations. After all "governability" (never forget the Trilateral) was the primary need and the *procuratori d'assalto* ["storm district attorneys"] could not handle the "moral question" as they wanted. Each time they got too far the High Council of Magistrates intervened to cool them down.

Anyway the "moral question" is an excellent source of inspiration for the new emergency.

In 1982, once the last vanguard of factory workers was sacked and the armed groups were disbanded, "terrorism" ceased to be an exploitable issue. The system's governability still required further crackdowns, as well as a synthesis and a betterment of the special legislation and repressive strategies recently adopted by the state and the media. Soon those weapons would be used in a hyped-up conflict, albeit less *molar* than the previous one, a war on another kind of "subversion" represented as proteiform and shape-shifting, capable of infiltrating the army of the Good and spoiling it from the inside, the Hydra of organized crime, the Mob, P2 and the likes. [...] The symbolic continuity between the two emergencies is assured by general Dalla Chiesa. The Public Hero no.1 of the war on "terrorism" concluded his career in Palermo as a prestigious anti-Mafia martyr (1982).

Some portions of "civil society" – actually lobby groups for "democratic magistrates" – started to reproach the state and the "intellectuals" for not supporting the war on organized crime as they supported the repression of "terrorism". This controversy had an explicit anti-government stance. The moral mobilization started in the name of anti-mafia "heroes". It was based upon a faint, classless humanitarianism and a police-procedure fetishism that ignored the defendants' rights. The call was for a united front of "honest people" (who were supposed to accept the PCI's moral superiority). The logic and strategy of the new emergency are explained in such remarkable books as *Delitto Imperfetto* [Imperfect Murder] by the son of general Dalla Chiesa:

We will not go anywhere if we do not rehabilitate the role of man in history; I am not talking about the boss, the king, the big man. I mean the man in general. We must acknowledge the value of individuality [...] My father was killed. Before and after his murder the mafia killed La Torre, Mattarella, Terranova, Costa, Basile, Giuliano, Ciaccio Montalto, D'Aleo, Chionici and other heroes of contemporary Italy. This made me think of a radical, albeit obvious, thing: the mafia criminal power was afraid of those individuals, single men of different political positions [...] We should not forget that the deeds of these men were always supported by the PCI, although the gathering and organization of anti-mafia forces must not obey to the laws of political competition [...] In this state law and order are not twin concepts, they antagonize each other to the extent that the attorney Ambrosoli, the prefect general Dalla Chiesa or any judge doing his duty undermine the christian-democratic regime more than the Opposition or the trade unions ever did [...] What are liberal individual rights good for, if law and order are two different things? Can we really go on like this, handling the relationship between the law and the society fragment by fragment? (Nando Dalla Chiesa, *Delitto imperfetto. Il generale, la mafia, la società italiana*, Mondadori, Milan 1984, pp.215-16 and 238-39).

The rants of another star of the new emergency, the mayor of Palermo Leoluca Orlando, provide us with an even more obscene and reactionary version of this propaganda:

Until then, there was never a regicide in our history [...] The first king murdered was Piersanti Mattarella [...] We are all resisting the mafia and the bad politicians that murdered our good kings [...] A strange resistance is starting from Palermo, we are not the good citizens fighting a bad king; rather, we are the orphans of dead good kings, fighting the criminals and the bad new kings. (Leoluca Orlando, Palermo, Mondadori, Milan 1990, pp.32-33)

In this context we should not under-estimate the ideological use of TV fiction: it was in 1984 that started the extra-lengthy serial *La Piovra*. A huge audience got thrilled and was moved by the adventures of the brave inspector Cattani, played by Michele Placido.

The “storm attorneys” were the most dynamic force pushing Italy towards the Seconda Repubblica: those who supported them provided the best representation of the system’s general (*homeostatic*) interest. As soon as the international situation and an institutional make-up let them to, they were the best candidates to a new government.

Of course this is the general abstract scheme, the point of view of the collective capitalist. Down in the hell of gang wars things were far more complex, there were contradictions, resistances and backfires... After all, had the shift been painless the system wouldn’t have needed Mani Pulite. In fact the “Palermo pool”¹³ made many enemies in the High Council of Magistrates. Despite the success of the media operation known as “Maxiprocesso”¹⁴ the pool was reorganized (“dismantled”, as goes the propaganda). It took the “lethal rush” of 1992 before Falcone’s line became undisputably *hegemonic*.

The 1980’s were also the decade of Muccioli¹⁵ and the boom of detox communities. Social control became invasive by the diffusion of grassroots total institutions supposedly run by “volunteers”, trojan horses for the next catholic offensive.

¹³ The Palermo Pool was the squad of magistrates investigating on the mafia. The most prestigious members of the pool were Giovanni Falcone and Paolo Borsellino. Both were killed by mafia bombs in 1992 [t.n.]

¹⁴ A huge court trial (475 defendants!) that lasted two years (1985-87). The documents of the inquiry were contained in hundreds of thick folders, about 700,000 pages. The president of the tribunal asked the counsels for the defence to “collaborate” and *skip* the reading of that busload of paper. The counsels protested and asked to have the documents read in court. Such a request was both correct and provocative, for it would have taken 2,300 hearings (and six years!) to read the whole lot, and who on earth could remember all the dates, statements and charges? It was obvious that the counsels *could not* defend their clients. There was a lot of media hype about the “maxi-trial”, which ended with 19 life sentences and 2,655 years of imprisonment. The Italian code of criminal procedure requires that the judges write down the motives of the sentence. The judges wrote 6,901 pages, assembled in 35 folders. [t.n.]

¹⁵ In the early Eighties Vincenzo Muccioli, formerly the guru of a mystic cult, founded a community center for heroin addicts in S. Patignano (Romagna). The center gradually became a village, a total institution, a kind of labour camp based upon hard discipline and bigotry. Muccioli was indicted several times for putting patients (inmates?) in chains. The centre had - and probably still has - a *kapo*-styled corp of bullies who would beat up people in the back of the camp’s slaughterhouse. Once a guy was beaten to death, and magistrates inquired into Muccioli’s attempts at hiding evidence. Muccioli always got away with anything for he was backed by the Church and the government. He became a role model for a number of priests and self-styled social workers that opened similar centers all over the country. [t.n.]

Four

At last we are dealing with “Mani Pulite”. Once “socialism” crumbled down in eastern Europe and global “bipolarism” was over, the system could get rid of the old institutional set. Capital was undergoing “europeanization” and needed a “lighter” state (lower taxes, fewer bureaucrats and bribes). The cost of corruption (the demochristian state’s “criminal keynesism”) was too high, Italy could not “enter Europe” with such a huge public expense. The increase of votes to such forces as the “Leghe”¹⁶ was a clear demand of “subversion from top ranks” by the North’s entrepreneurs thriving on flexible work-force and international exports. They did not intend to pay taxes for national welfare anymore.

The capitalist gang that was more interested in unchaining the storm attorneys let magistrates and politicians fight each other, so that a change of leaderships took place by inquiries and detention. “Subversion from top ranks” exploited the contrasts within the “judicial authoritarian state” built by emergencies. In the meanwhile a majoritarian election system was imposed by plebiscites that were described as “direct democracy” (the “Segni Referendum”) and the eternal sewer of creeping fascism overflowed: the “Indicted”, ie. the corrupted politician, became the new public enemy.

The “judicialization” of politics met the requirements of a power which needed to be technocratic, invisible and irresponsible. On one hand, if politics depended on magistrates, it would depend on people that cannot be replaced and thus can assure the stability of the system in such a troubled age as that of global economy; on the other end, the economic integration of national economies requires the elimination of the greediest local bribers. Since it was a common need in several countries, we witnessed a grotesque internationalization of “cleanhandism”, conferences were held all over Europe by Borrelli, Di Pietro and co. As a consequence twin inquiries began in France and Spain. Once again Italy had been a laboratory.

Borrelli and his cronies carried the whole thing too far, to the extent that they became disfunctional themselves. The district attorneys stated that they wanted to “turn the country inside out like a sock” and fostered a refusal of politics [a *poujadiste* stance]. They ended up believing what they said and were undermining the system. The change of leaderships had occurred, and now *they* had to be straightened out.

Pietro Folena, one of the top leaders of the former PCI, wrote:

“When one reads that during a trial a public prosecutor said that the current trials are ‘Italian Nurembergs’ and then comparing the indicted politicians to ‘generals Keitel, Jodl, Goering and Ribbentrop’, one feels like screaming. As a matter of fact these meaningless sensational statements are based upon the same *antipolitics* currently thriving in our society. It is now time to fight *antipolitics* openly.”

So a new conflict started, which has not yet reached its peak [January 1999].

¹⁶ The “Leagues” started as a grass-roots movement in the Northern regions of Italy, backed by local small entrepreneurs. Their ideology was a contradictory mixture of anti-Southern racism, economic neo-liberalism, anti-tax protests and the fetishism of (re-invented) local traditions. During the 1990’s the Leagues federated in one big right-wing party called Lega Nord, which soon became a one-man show by secretary general Umberto Bossi, a slovenly, dishevelled fellow who can’t properly speak Italian but has a strong appeal as a racist stand-up comedian [t.n.]

Five

So long with the description of the general context. Now a few remarks on our method. This is not a complete historical account, we could not tell about every key inquiry, nor could we describe all liberticide acts passed by the Parliament in the last 25 years. We wrote this book with the intention of casting light on the legal and media links between the Emergency of the 1970's and today's molecular emergencies, in the context of globalization, the full restoration of the "catholic model" and the extension of a constituent power that soon will dare speak its name. In order to do it we had to tell about some cases, not because they were the most cruel or the most funny, rather because they were the most clear and useful.

We stick to Marx's critique of jurisprudence, its class-based nature, its abstract subjects. This critique cannot help regarding the ideology of "civil liberties" and "human rights". We are very much aware of the (objective) inconsistency of liberals and "humanitarians". Their purposes may be noble, and we are likely to fight the same battles, and yet any demand for "rights" – even "natural", "human", "universal" ones – keeps the same limits and contradictions exposed by Marx. The capitalist state acknowledges "rights" only as its foundations, its "natural base", and never separates them from horrible "duties" (e.g. to give up part of one's income to maintain the police and the army). As to "human rights", they depend on the same trans-national legislation which declared *embargos* [economic blocks] to "hostile" (non-human?) countries, and allowed imperialists to raze down cities and bury soldiers alive in their desert trenches.

If we mistake freedom for the "totalitarianism of the rights of man", we will surrender to the abuses of the world cops. Since the concept of imperialism is no longer adopted to understand the causes of war, and was replaced by "humanitarian" bleatings, no war has met an effective opposition nor there's been any way of making war criminals feel uncomfortable.

Nevertheless, we must fight on the enemy's ground, use the enemy's concepts and show how they really work, turn them against the enemy in a *stylish* way (style is the real martial art, the base of every fight; fighting techniques are the consequence). From this point of view, we want to show what is jurisprudence and what effects it has in today's authoritarian state and the empire which states are part of. We will do it by wearing the spectacles of "civil liberties" defenders, drawing the least obvious conclusions, laying the stress on the most obscure and contradictory aspects, such as *ius resistentiae* [the right to resistance] and the necessity to force the law, all aspects that can turn the law inside out. At last, we want to explore the following fertile paradox:

In the heroic period of capital, proprietary individualism and the capitalist sense of appropriation brought together the tables of the right of man. It was a great progress, which we have paid through the nose with centuries of submission to the most hideous system of exploitation ever. These rights, as far as proletarian life is concerned, have become the flesh and the blood of revolutionary struggle. On the contrary, as far as capital is concerned, they have lost any meaning. That is why, nowadays, to fight for civil rights is sound and revolutionary. (Antonio Negri, "Per un garantismo operaio", in: *Critica del diritto* [review] #15, Milan, September-December 1979, p.20)

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