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Fascist Repression in the Italian ‘Fourth Shore’: The Special Tribunal for the Defence of the State in Libya

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This article investigates the Special Tribunal for the Defence of the State (*Tribunale Speciale per la Difesa dello Stato*; TSDS) in the colonial territories that constitute present-day Libya at the time of fascist rule. This court acted as the judicial arm of the fascist regime in the so-called Italian ‘fourth shore’. As a tool of the repressive apparatus of the regime, it persecuted the ‘anti-national enemies’ outside the metropolitan area, striking against those who opposed the fascist dictatorship and the fascist occupation in the colony by de-legitimising the defendants on juridical, political and moral grounds. The TSDS in Libya shows that the fight against the ‘anti-nationals’ was a primary concern of Mussolini’s ultranationalist regime not only in the peninsular territory but also within the colonial administration.

Introduction

The Special Tribunal for the Defence of the State in Libya set up during fascist rule served as a body to discipline Italian settlers and Libyans and enforce respect for Benito Mussolini’s regime. Any hostile behaviour towards the Italian government in the colony was censored. According to the judges of the TSDS, both colonisers and the ‘indomitable natives’ had ‘the sacrosanct duty to be grateful’ to the Duce – as Mussolini was nicknamed – who ‘gave them peace, tranquillity and wealth’.¹ These were achievements that Italians and Libyans had not been able to attain before, in the opinion of fascist ideologues.² Thus, the latter enthusiastically supported the civilising mission that, in their eyes, the regime was carrying out in Italy’s ‘fourth shore’. This expression was popular among the fascists as a synonym for the colony of Libya, which they claimed to be an integral part of the Italian territory by virtue of its past as an ancient Roman domain and its geographical proximity to the Italian peninsula.³

This article focuses on the TSDS in Libya as an instrument in the service of fascist ultranationalism, that is, the hyper-exaltation of the concept of the homeland by fascism based on the alleged superiority of the Italian nation and its right to dominate peoples considered inferior.⁴ The Special Tribunal in Libya was composed of members of the Royal Army and the fascist militia. It applied the provisions of the Military Penal Code in wartime and had an avowedly political aim, namely to punish the enemies of the fascist nation in Italy’s colonial domains. This court was born as a branch of the central Special Tribunal for the Defence of the State in Rome – established by the regime under Law no. 2008

¹ The quotes are in Archivio Centrale dello Stato in Rome [ACS], Tribunale Speciale per la Difesa dello Stato [TSDS] in Tripolitania (Libia), Miscellanea fascicoli processuali e affari diversi [Misc.], busta 6 fascicolo 1640.

² Ibid.

³ On the definition of Libya as the Italian fourth shore, see also Roberta Pergher, *Mussolini’s Nation-Empire. Sovereignty and Settlements in Italy’s Borderlands 1922–1943* (Cambridge: Cambridge University Press, 2018), 38.

⁴ On the concept of ‘fascist ultranationalism’, see Roger Griffin, *The Nature of Fascism* (London: Pinter, 1991), 26, 28; Roger Griffin, *Fascism: An Introduction to Comparative Fascist Studies* (Cambridge: Polity, 2018), 41–2; Stanley G. Payne, *A History of Fascism, 1914–1945* (Madison: University of Wisconsin Press, 1995), 14.

of 25 November 1926 containing ‘Measures for the Defence of the State’ – having a similar composition and purpose.⁵ Academics have investigated the central TSDS in Rome mainly from a legal perspective. Most studies have focused on its practical functioning, the procedural aspects of the trials and the new types of crime that were introduced through it.⁶ Other works have examined the victims of fascist justice. Scholars have taken into account specific categories of individuals who were persecuted – for instance, women – offering valuable information on the defendants and the activity of anti-fascism in Italy during the consolidation of the dictatorship.⁷

What contemporary historiography has overlooked until now is the colonial dimension of the TSDS. Beyond the borders of the peninsula, the judicial arm of fascism also performed its repressive tasks in the territories of the empire, where it struck against presumed traitors and ‘subversives’ in the name of the nation and the regime. Studying the role of the TSDS in Italy’s imperial domains also means deepening existing knowledge of fascist rule in colonial territories. Indeed, this tribunal was not only a tool to wipe out local resistance. It also helped fascism to consolidate its presence within the colonial administration. It served as a support for spreading fascist doctrine in the empire. Not least, it was a key institution for imposing a cultural and racial hierarchy over the colony, which was based on the alleged primacy of the fascist civilisation.

This article will examine the Special Tribunal for the Defence of the State in Libya, which constitutes a unique case. Although the provisions of Law no. 2008 of 1926 were progressively extended to all of Italy’s African territories, the Italian domains of Eritrea and Somalia were not equipped with a local TSDS. Instead, the crimes committed against the fascist nation in these colonies were referred to the central TSDS in Rome. Conversely, in Libya a Special Tribunal for the Defence of the State was established ad hoc.⁸ This tribunal was endowed with autonomy and independence that made it an original source of repressive fascist activity in the fourth shore. It demonstrates the enormous fascist efforts to annihilate the ‘internal enemies’, namely those who endangered the regime from within, even outside the metropolitan area. Through the TSDS in Libya, Mussolini’s dictatorship punished those colonial subjects and Italian settlers who had opposed – or were suspected of opposing – the fascist occupation of the North African region in different ways. Accused of plotting against the motherland, these individuals were treated as dangerous threats to the stability of the Italian government and its empire.

Given this general framework, the following questions arise. What role did the Special Tribunal for the Defence of the State in Libya play in the context of repressive fascist politics? How did this tribunal work? Moreover, who were the defendants and what crimes were they accused of? Was the TSDS in Libya really a relentless and uncompromising court? Finally, how did fascist judges describe the

⁵ Luigi Lacchè, ‘The Shadow of the Law: The Special Tribunal for the Defence of the State between Justice and Politics in the Italian Fascist Period’, in Stephen Skinner, ed., *Fascism and Criminal Law: History, Theory, Continuity* (Oxford: Bloomsbury, 2015), 19.

⁶ Atti del Convegno di Studi e Memoria, *Il Tribunale Speciale per la Difesa dello Stato: il braccio giudiziario del fascismo* (Rome: ANPPIA, 2017); Jacopo Carlo Salvatore Torrisi, *Il Tribunale Speciale per la Difesa dello Stato. Il giudice politico dell’ordinamento dell’Italia fascista, 1926–1943* (Bologna: Bononia University Press, 2016); Stefano Vinci, ‘La politica giudiziaria del fascismo italiano nella giurisprudenza del Tribunale speciale per la difesa dello stato, 1926–1943’, *Historia et ius*, 10 (2016), 1–31; Luigi Lacchè, ‘The Shadow of the Law’, in Luigi Lacchè, ed., *Il diritto del Duce. Giustizia e repressione nell’Italia fascista* (Rome: Donzelli, 2015), 15–33; Claudio Longhitano, *Il tribunale di Mussolini. Storia del Tribunale Speciale 1926–1943* (Rome: ANPPIA, 1994); Adriano Dal Pont and Simonetta Carolini, *L’Italia dissidente e antifascista: le ordinanze, le sentenze istruttorie e le sentenze in Camera di consiglio emesse dal Tribunale speciale fascista contro gli imputati di antifascismo dall’anno 1927 al 1943* (Milan: La pietra, 1980); Adriano Dal Pont, Alfonso Leonetti, Pasquale Maiello et al., eds., *Aula IV: Tutti i processi del Tribunale Speciale fascista* (Rome: ANPPIA, 1962).

⁷ Mimmo Franzinelli, *Il Tribunale del Duce. La giustizia fascista e le sue vittime, 1927–1943* (Milan: Mondadori, 2017); Giovanni De Luna, *Donne in oggetto. L’antifascismo nella società italiana, 1922–1939* (Turin: Bollati Boringhieri, 1995); Berardo Taddei, *Le donne processate dal Tribunale Speciale 1927–1943* (Verona: G. Grazia, 1970).

⁸ The exclusive jurisdiction of the TSDS in Rome over crimes committed in Eritrea and Somalia in violation of Law no. 2008 of 25 Nov. 1926 was established by Royal Decree no. 1308 of 27 June 1929. In *Gazzetta Ufficiale del Regno d’Italia*, 2 Aug. 1929, no. 179, 3617.

defendants? The article will address these questions as follows. The first section will evaluate how the activities of the special tribunal in the Italian colony of Libya fitted into the regime's strategy for the persecution of the enemies of the fascist nation. The second section will analyse the context in which this court was created, its competences and composition, and the way in which the judicial processes took place. The third section will examine the type of defendants put before the special tribunal, the most common charges and the penalties that were imposed on those who were convicted. The fourth section will investigate how the court depicted those who were found guilty, in order to delegitimise them not only from a legal point of view but also from a political and ideological point of view. The last section will draw the conclusions.

The Struggle against the 'Internal Enemies' in the Colonial Context

The decision to establish a Special Tribunal for the Defence of the State in Libya was entirely in line with the very nature of the fascist experience between the two world wars, of which violence was a basic component. As Camilla Poesio pointed out, fascist violence over the years 'changed forms, methods, intensities and objectives'.⁹ It did not always necessarily imply the physical elimination of the enemy. According to Javier Rodrigo, it is a 'much broader concept' that included 'exiles, deportations, torture, political repressions, forced internments, persecutions, beatings, forced pauperisations, [and] violations'.¹⁰ In all its manifestations, political violence constantly played a decisive role in the functioning of the fascist state machine. However, it spoke 'not only of state interests'.¹¹ On the contrary, its highest goal was 'the construction and preservation' of a homogeneous national community to be defended, first of all, from those who threatened the fascist homeland from the inside.¹²

The fierce struggle against its 'internal enemies' was a historical mission of Italian fascism, which undertook a systematic elimination of all those who hindered its projects within the state boundaries. The National Fascist Party (*Partito Nazionale Fascista*; PNF) configured this clash ideologically. It was a fight for liberation from opponents who, although they were Italian citizens *pleno iure*, were perceived as foreigners at home. These people believed in an idea of the fatherland and its founding values that was different from that proposed by the Blackshirts, as the Italian fascists were also called. Precisely for this reason, party ideologues denounced them as 'anti-nationals', who were to be morally and physically excluded from the state community. Ultimately, by monopolising the concept of the homeland, the PNF considered these individuals as the enemies of the only authentic nation, the fascist one. Accordingly, the regime deprived them of their status as citizens and persecuted them tenaciously.¹³

To fulfil this goal effectively, Mussolini's government launched the above-mentioned 'Measures for the Defence of the State' with Law no. 2008 on 25 November 1926, which the Minister of Grace, Justice

⁹ Camilla Poesio, 'La violencia en la Italia fascista: un instrumento de transformación política (1919–1945)', in Javier Rodrigo, ed., *Políticas de la violencia. Europa, siglo XX* (Zaragoza: Universidad de Zaragoza, 2014), 81. On the topic see also Michael Ebner, *Ordinary Violence in Mussolini's Italy* (New York: Cambridge University Press, 2011); Mimmo Franzinelli, *Squadristi. Protagonisti e tecniche della violenza fascista (1911–1922)* (Milan: Mondadori, 2003); Emilio Gentile, *Storia del partito fascista, 1919–1922. Movimento e Milizia* (Rome: Laterza, 1989); Paolo Nello, 'La violenza fascista ovvero dello squadristo nazional-rivoluzionario', *Storia Contemporanea*, 6 (1982), 1009–25; Adrian Lyttelton, 'Fascismo e violenza: conflitto sociale e azione politica in Italia nel primo dopoguerra', *Storia Contemporanea*, 6 (1982), 965–83; Jens Petersen, 'Il problema della violenza nel fascismo italiano', *Storia Contemporanea*, 6 (1982), 985–1008.

¹⁰ Javier Rodrigo, 'Heterofobia: las políticas de la violencia en la Europa de Novecientos', in Javier Rodrigo, ed., *Políticas de la violencia*, 25.

¹¹ *Ibid.*, 18.

¹² *Ibid.*, 18.

¹³ Emilio Gentile, *La grande Italia. Ascesa e declino del mito della nazione nel ventesimo secolo* (Milan: Mondadori, 1997), 151–2; Ernesto Galli della Loggia, *La morte della patria. La crisi dell'idea di nazione tra Resistenza, antifascismo e Repubblica* (Rome: Laterza, 1996), 36–7; Loreto Di Nucci, 'Lo Stato fascista e gli italiani antinazionali', in Loreto Di Nucci and Ernesto Galli Della Loggia, eds., *Due Nazioni. Legittimazione e delegittimazione nella storia dell'età contemporanea* (Bologna: Il Mulino, 2003), 127–33.

and Religious Affairs, Alfredo Rocco, presented as a means for the ‘restoration of the social order and national pacification’.¹⁴ These legal provisions reintroduced the death penalty – which had been abolished in 1889 – for those who attacked the life, integrity or personal freedom of the royal family and the head of government, and for crimes against state independence and unity. Severe punishments were imposed on those who reconstituted and participated in associations or parties that had been dissolved by the public authorities, as well as onto those citizens who discredited the fascist regime abroad.

Article 7 of this law established the creation of the Special Tribunal for the Defence of the State, which was located in Rome, as the specific body in charge of judging such crimes.¹⁵ The ‘speciality’ of this court lay in the fact that it punished not common criminals but political enemies of the regime, who were also, by analogy, enemies of the Italian nation according to PNF ideologues. It constituted an extraordinary tool of ‘fight and defence’, and it initially had a five-year term, which was then extended with various regulations in 1931, 1936 and 1941.¹⁶ Such extensions turned the TSDS into a stable organ of the fascist administration. This is not surprising considering the state of permanent mobilisation that Mussolini’s regime imposed on the country, or at least on the majority of it. The struggle against the internal enemy represented an essential part of the construction of the fascist homeland as a warrior community in which there was no room for opposition.

The Special Tribunal aimed to turn every kind of dissidence into dust. It proceeded in a methodical way through the moral debasement and de-nationalisation of the enemies of the fascist state. It convicted defendants without procedural guarantees and inflicted severe penalties through sentences that could not be appealed or contested. Revision was the only legal procedure allowed. However, this tool was ineffective, given that the body in charge – the Board of Revision – was chaired by the president of the TSDS who, therefore, would have to modify a sentence he himself had issued. Moreover, the fact that the constitution and composition of this court were ordered by the Ministry of War – which Mussolini ran *ad interim* from 1925 to 1929 and from 1933 to 1943 – says much about the lack of impartiality of this judicial body that soon became one of the symbols of fascist repression.

The Special Tribunal for the Defence of the State in Libya, as a peripheral division of the TSDS in Rome, had the task of implementing the fight against the internal enemies of the nation in the colony. In the eyes of the ideologues of the regime, this was perfectly coherent as the Italian domains in Libya represented nothing but the extraterritorial expansion of the nation. Working under this assumption, PNF ideologues tried to define Libya as ‘internal’ to Italy. They sought to create a new and stronger bond between Rome and Tripoli that ‘would no longer be colonial but national’.¹⁷ For this purpose, fascists launched an intense colonisation policy. It aimed to introduce an enormous number of settlers, who would reduce the indigenous population to a minority. As Eileen Ryan stressed, this was not only in response to the question of land allocation but also a ‘political necessity that would promote stability by bringing in Italian nationals’.¹⁸ Ultimately, the goal of the Blackshirts was to transform the Libyan territories into authentic provinces of the Kingdom of Italy and, in so doing, expand the nation.

On the other hand, according to party intellectuals, Libya had felt the gravitational pull of Italy since the times of the Roman Empire. This conviction strengthened the fascist claims over the Libyan lands, which constituted the closest appendage of the metropolitan soil in the fascist interpretation, as they lay just on the other side of the Mediterranean Sea. For PNF ideologues, a special connection existed between Rome and Tripoli. This also emerged from the fascist legislation that reserved privileged treatment for the Libyan natives until the late 1930s. Notably, Law no. 1013 of 26 June 1927 allowed them to obtain ‘metropolitan citizenship’ – which properly belonged to those individuals born

¹⁴ Alfredo Rocco, *La trasformazione dello Stato. Dallo Stato liberale allo Stato Fascista* (Rome: La Voce, 1927), 126.

¹⁵ The text of Law no. 2008 of 25 Nov. 1926 is in *Gazzetta Ufficiale del Regno d'Italia*, 6 Dec. 1926, no. 281, 5314–5.

¹⁶ Rocco, *La trasformazione dello Stato*, 126.

¹⁷ Pergher, *Mussolini's Nation-Empire*, 52. See also Federico Cresti, *Non desiderare la terra d'altri. La colonizzazione italiana in Libia* (Rome: Carocci, 2011); Claudio Segrè, *Fourth Shore: The Italian Colonisation of Libya* (Chicago: University of Chicago Press, 1974).

¹⁸ Eileen Ryan, *Religion as Resistance. Negotiating Authority in Italian Libya* (Oxford: Oxford University Press, 2018), 154.

in Italy – if they met specific requirements.¹⁹ Furthermore, this law granted Libyans certain civil and political rights in consideration of their allegedly superior level of civilisation compared to the subjects of Italian East Africa, who were precluded from receiving such privileges.²⁰

These elements were further indicators of Mussolini's wish to depict Libya as a natural extension of the Italian nation, which, in turn, PNF theorists made to coincide with fascism. The aim of the Blackshirts was to 'nationalise' the Libyan territories and all those who lived there, inasmuch as their 'nationalisation' would then coincide with their 'fascistisation'. In order to complete this operation and make Libya an authentic outward projection of fascist Italy, any form of dissidence within the colony had to be eradicated. As a consequence, the fight against the internal enemies in the fourth shore appeared not only logical but also necessary in the eyes of the party elite, who gave institutional legitimacy to the repression of the 'anti-nationals' in that colonial domain by establishing the local TSDS.

Building Fascist Political Justice in the Italian Fourth Shore

The creation of the Special Tribunal for the Defence of the State in Libya dates back to 1927, a critical phase in the history of the colony. Officially, the area corresponding to contemporary Libya had been an Italian possession since 18 October 1912, when the First Treaty of Lausanne forced the Ottoman Empire to cede this dominion. Nevertheless, the treaty decreed the end of the Italian-Turkish hostilities but not of the guerrilla war within the occupied territories. It took two decades for Rome to gain real control over them and this required considerable effort and violence.

When fascism came to power in October 1922, the colonial military intervention that had been initiated by the governments of liberal Italy was decisively accelerated. The so-called 're-conquest' of Tripolitania was relatively fast. It proceeded systematically and concluded at the end of 1924, when the Italian army succeeded in bringing this region back under Italian jurisdiction. The situation was completely different in Cyrenaica, where Mussolini's government encountered the greatest difficulties. There, the indigenous resistance – although weakened – proved to be tenacious and strongly rooted, especially in the Jebel Akhdar.²¹ In particular, the presence of the *tariqa* (Sufi order) of Sanusiyah in this part of the country acted as the glue between the various local populations and reinvigorated the fight against the Italian invader.

As a consequence, the Italian army struggled to keep permanent control over the area. From the mid-1920s, the Duce intensified efforts to re-conquer Cyrenaica in order to bring the whole Libyan territory under fascist authority. In 1926, he entrusted the leadership of the Ministry of the Colonies to the fervent nationalist Luigi Federzoni, who had already held this position in 1922–4. Contrary to what the colonial administration of the Italian liberal ruling class had done before,

¹⁹ With Law no. 1013 of 26 June 1927, Mussolini's government granted metropolitan citizenship to those native Libyans who, having applied for it, met the following conditions: being a minimum twenty-one years old; not being polygamous; not having been convicted of crimes involving the loss of political rights; and having passed at least the third-grade exam in the Italian school. Furthermore, they should have met at least one of the following special conditions: having served the motherland with fidelity and honour in one of the state military corps; having held a public governmental function; having obtained an honorary distinction by the fascist government; or being born to a Libyan citizen with metropolitan citizenship. In *Gazzetta Ufficiale del Regno d'Italia*, no. 148, 28 June 1927, 2725.

²⁰ This privileged treatment that the Italian legislation reserved to Libyan subjects was abolished at the end of the 1930s. Royal Decree-Law no. 70 of 9 Jan. 1939 abrogated the right to obtain the metropolitan citizenship and established second-rate citizenship – the so-called 'special Italian citizenship' – for Libyans who possessed particular requirements. It entailed a significant reduction in civil and political rights for Libyans, as well as their automatic exclusion from assignments that implied the exercise of command over metropolitan Italian citizens. In *Gazzetta Ufficiale del Regno d'Italia*, no. 28, 3 Feb. 1939, 583–4. Law no. 822 of 13 May 1940 compared the condition of Italian Libyan citizens to the condition of the subjects in Italian Eastern Africa, which was regulated by the racial legislation for the territories of the empire in 1937–40. In *Gazzetta Ufficiale del Regno d'Italia*, no. 166, 17 July 1940, 2626–7.

²¹ Giorgio Rochat, 'La repressione della resistenza in Cirenaica, 1927–1931', in Giorgio Rochat, ed., *Guerre italiane in Libia e in Etiopia. Studi militari 1921–1939* (Paese: Pegus, 1991), 93–7.

Federzoni refused to negotiate with the Sanusi elites.²² He opted for a more rigorous approach, centred on the use of force and the presence of experienced administrators.²³ These were the elements that formed the basis of the fascist ‘politics of prestige’ – that is, the will to prove Italian cultural and racial supremacy on a global scale – which was enforced with the authoritarian turning point of the regime that Benito Mussolini announced on 3 January 1925.²⁴

Royal Decree no. 1050 of 2 June 1927 on the ‘Extension and adaptation in Libya of the Law on the Defence of the State’ fits within this context.²⁵ Despite the generic title, the decree concerned exclusively the new Special Tribunal that was to be established in the colony. The first two articles clarified its competences. It should judge all crimes against the independence, security or unity of the state, with one exception. Attacks against members of the Italian royal family or the head of government committed in Libyan territory would be referred to the Special Tribunal in Rome due to their particular severity. Violations of the orders issued by the governor of the colony during the state of public danger also fell within the jurisdiction of the TSDS in Libya, as well as violations of provisions concerning the illegal possession of weapons.

The tribunal was based in Tripoli, was permanent and the membership was renewed every year on the basis of an order by the colony’s governor.²⁶ Its composition was quite similar to that of the central TSDS, although slightly reduced as it consisted of five members instead of seven. It included a senior officer of the Royal Army; two senior officers of the PNF military wing, the Voluntary Militia for the National Security (*Milizia Volontaria per la Sicurezza Nazionale*; MVSN); and a judge of the Territorial Military Court of the colony. A president was to be chosen from among the generals or officers of rank not inferior to colonel of the Royal Army. Nevertheless, this office was in many cases assigned to a member of the Voluntary Militia that the Duce defined as ‘the armed guard of the Revolution and the attentive eye of the regime’ in 1928.²⁷

The first president of the TSDS in Libya, for instance, was the consul Lorenzo Bardi, commander of the permanent MVSN ‘Oea’ legion in Tripolitania. This legion and the ‘Berenice’ legion in Cyrenaica were the two Libyan military corps that Mussolini’s government established by Royal Decree no. 1166 of 1 May 1924 and sent to fight the local guerrillas. However, the presence of fascist militias in Libya – dating back to the autumn of 1923 and pushed for by Federzoni – not only satisfied the need to increase the number of Italian armed forces to accelerate the completion of the colonial occupation.

²² Ryan, *Religion as Resistance*, 137–43.

²³ Michael Ebner, ‘Fascist Violence and the “Ethnic Reconstruction” of Cyrenaica (Libya), 1922–1934’, in Philip Dwyer and Amanda Nettelbeck, eds., *Violence, Colonialism and Empire in the Modern World* (London: Palgrave Macmillan, 2018), 197–218; Nicola Labanca, *La guerra italiana per la Libia 1911–1931* (Bologna: Il Mulino, 2012), 159–71; Nicola Labanca, *Oltremare. Storia dell’espansione coloniale italiana* (Bologna: Il Mulino, 2002), 172; Anna Balducci, *The Origins of the Libyan Nation. Colonial Legacy, Exile and the Emergence of a New Nation-State* (New York: Routledge, 2010), 45–8; Angelo Del Boca, *Gli italiani in Libia. Dal fascismo a Gheddafi* (Rome: Laterza, 1991), 56–121. See also Anthony Dirk Moses, ed., *Empire, Colony, Genocide: Conquest, Occupation and Subaltern Resistance in World History* (New York: Berghahn Books, 2008); Patrick Wolfe, ‘Settler Colonialism and the Elimination of the Native’, *Journal of Genocide Research*, 4 (2006): 387–409.

²⁴ Ryan, *Religion as Resistance*, 136–7.

²⁵ The text of Royal Decree no. 1050 of 2 June 1927 is in *Gazzetta Ufficiale del Regno d’Italia*, 2 July 1927, no. 151, 2811–2.

²⁶ In the trial files related to the first years of activity of the tribunal, the lettering ‘Special Tribunal for the Defence of the State in Tripolitania’ appears. Nevertheless, the archive contains also some sentences of the TSDS in Benghazi (Cyrenaica). Indeed, although the TSDS was based in Tripoli, the governor of the colony had the right to order it to sit in other locations. After the unification of Tripolitania and Cyrenaica into a single colony in 1934 under Italo Balbo’s general governorate, the wording ‘Special Tribunal for the Defence of the State in Tripolitania’ was retained in many trial papers. At the same time, the wording ‘Special Tribunal for the Defence of the State in Libya’ began to be used. On the evolution of the Italian colonial system in Libya see ‘Libia’, in Partito Nazionale Fascista, ed., *Dizionario di politica* (Rome: Istituto della Enciclopedia Italiana, 1940), vol. II, 782–5; Royal Decree-Law no. 2012 of 3 Dec. 1934 regarding ‘Ordinamento organico per l’amministrazione della Libia’ in *Gazzetta Ufficiale del Regno d’Italia*, 21 Dec. 1934, no. 299, 5786–93.

²⁷ Benito Mussolini’s speech for the fifth anniversary of the MVSN on 1 Feb. 1928 is in Edoardo Susmel and Duilio Susmel, eds., *Opera Omnia di Benito Mussolini* (Florence: La Fenice, 1957), vol. XXIII, 94.

It also mitigated the problem of the unbridled violence of the fascist squads in Italy, as sending them to Libya helped reduce the level of tension within the peninsula and contributed to the institutionalisation of the PNF. Furthermore, it constituted a source of young and enthusiastic settlers, who could help to convert Libya into a proper Italian space. Most of all, it was functional to gradually replace the army infantry units in the occupied territories. This gave an unequivocal fascist imprint to the colonisation and marked a clear break with the previous liberal colonial administration.²⁸

In light of the above, the choice of entrusting the presidency of the TSDS on various occasions to members of the MVSN rather than to the high echelons of the Royal Army – as required by the law establishing the court – was anything but fortuitous. A president from the MVSN, together with the two senior officers belonging to the party militia as ordinary judges, clearly unbalanced the Special Tribunal in favour of its political component. In so doing, three out of five of its members essentially represented the PNF. This allowed the Duce, in concert with Federzoni, to exercise political control over the TSDS, with the aim of eroding the authority of the Royal armed forces over the colonial judiciary that the regular army had administered exclusively up to that point.

As for the structure of the proceedings initiated before the TSDS in the colony of Libya, each of them opened with a complaint written by the division of the *Carabinieri Reali* or the police, which described the facts of the crime. Based on this report, the accused was preventively arrested without a regular arrest warrant being issued. The Special Tribunal only released the warrant later, confirming the absence of basic procedural guarantees for those who were tried. Once the police authorities had drawn up the arrest report, the TSDS proceeded to question the defendant, who was not assisted by a lawyer at this stage. The latter was only appointed after the notification of the indictment and, in any case, always after witnesses had been summoned and questioned. Setting the hearing by decree, the Special Tribunal started the trial. Finally, after summarising the allegations and circumstances in which the alleged crime occurred, the court explained its assessment and issued a sentence of acquittal or guilt.

In the case of conviction, the possibility of overturning a sentence of the colonial TSDS was almost non-existent. Although initially contemplated by Royal Decree no. 1050, the appeal was eliminated as a means of contestation in 1929, in this way standardising the functioning of the TSDS in Libya and that of the TSDS in Italy.²⁹ Only revision was permitted and was under the exclusive jurisdiction of the Board of Revision at the Special Tribunal in Rome, which was called on solely in the case of a violation of the law.³⁰ Given all these limitations, it is not surprising that the requests for revision submitted over the years in Libya were very few and had little effect.³¹ Out of more than 300 trial files analysed, they amount to twelve. Among these, only two were accepted.

Who Sat in the Dock: A Quantitative Profile

In the period 1927–42 covered by the procedural files that were examined, 307 trials were held before the Special Tribunal in Libya. A significant number of proceedings took place in the first three years of activity of the TSDS. They mainly concerned crimes committed during the clashes between the Italian troops and the Libyan resistance in 1915–16 and, above all, in 1922–3. This was when, with the landing at Misrata Marina on 26 January 1922, the Italian government started re-conquest operations in Tripolitania, followed by operations for the re-conquest of Cyrenaica in the spring of 1923. A second surge in the number of trials coincided with Italy's entry into the Second World War. They mostly concerned the charge of collaboration with the enemies of Mussolini's government and the

²⁸ Eileen Ryan, 'Violence and the Politics of Prestige: The Fascist Turn in Colonial Libya', *Modern Italy*, 2 (2015): 126–8.

²⁹ See Royal Decree no. 1200 of 17 June 1929 in *Gazzetta Ufficiale del Regno d'Italia*, 24 July 1929, no. 171, 3489–90.

³⁰ The limit of the 'violation of the law' was due to the fact that the TSDS in Rome could not pass judgement on the substance of a trial held before the colonial TSDS but only on possible incorrect interpretations of the law by the judges of the Special Tribunal in Libya.

³¹ See Law no. 698 of 15 June 1933 on 'Revisione delle sentenze emesse dei Tribunali speciali della Tripolitania e Cirenaica', in *Gazzetta Ufficiale del Regno d'Italia*, 4 July 1933, no. 153, 2922.

Rome–Berlin Axis. However, a conspicuous part of the proceedings that began in 1941–2 was suspended. As a result of the second British occupation of Cyrenaica between December 1941 and January 1942 – the first was between January and March 1941 – many defendants, who had previously been detained, regained their freedom and were untraceable. Under these circumstances, the Special Tribunal was not able to carry out its preliminary investigation properly and was obliged to interrupt the trial.

Tables 1 and 2 show detailed data related to the activity of the TSDS in Libya.

A first consideration concerns the cases when capital punishment was imposed. As mentioned above, the death penalty had been abolished in 1889 with the reform of the Italian penal code promoted by the Minister of Grace and Justice Giuseppe Zanardelli and was reintroduced by the fascist regime with Law no. 2008 of 25 November 1926. Royal Decree no. 1050, which extended and adapted the content of Law no. 2008 in Libya, provided it expressly. In particular, article 4 established that the death penalty always had to be carried out in public. Moreover, at the behest of the colony's governor, it could take place according to local custom, that is, by hanging.³² This was the fate of twenty Libyan men who were charged with serious crimes against the unity and security of the Italian state. Many were accused of treason for joining the rebels in opposing the Italian occupation and for rising against the state powers. There were numerous cases of convictions for military espionage. These related to people who had provided information to the enemy about Italian telephone and road networks, defensive fortifications, the size and location of Italian troops and Italian airports in the colony. Some individuals were punished for conducting intelligence work on behalf of the British army, facilitating the mopping up of Italian prisoners in Benghazi during the occupation in February 1941. Others were indicted for sabotaging Italian military works, in most cases by cutting telephone wires.³³

The death sentence of Umar al-Mukhtar, the famous head of the anti-Italian Sanusi resistance in Cyrenaica, must be added to these twenty executions. This sentence was the result of a trial which, in consideration of the prestige of the defendant, was held exceptionally in secret in Benghazi in September 1931. It was essentially a farce devoid of procedural and juridical value since the sole governor of Tripolitania and Cyrenaica, Marshal Pietro Badoglio, decided its outcome even before the composition of the TSDS in charge of making the judgement was determined. As it emerges from a telegram sent to the then Minister of the Colonies Emilio De Bono on 12 September 1931 after the arrest of the prisoner, Badoglio recognised that there was an opportunity to hold regular proceedings for al-Mukhtar. Nonetheless, he specified that the sentence would 'undoubtedly' have been the death penalty and that it would have been administered in one of the largest indigenous internment camps.³⁴

This was exactly what happened. The 'lion of the desert', as the leader of the anti-colonial resistance was called, was hanged on 16 September in Soluq, fifty kilometres south of Benghazi, in the presence of about 20,000 people who were summoned specifically to watch the execution. It was an act of revenge by the Italian authorities but certainly not the only such act. The Special Tribunal showed its cruelty in other cases, for instance, by ordering the death sentences that it issued to be published in important local newspapers and, besides, at the expense of the condemned prisoners.³⁵ In all these

³² *Sharia* law provides for hanging as one of the harsher methods of executing the death penalty, along with beheading, stoning and dropping the convict from a high wall, for the most serious crimes. According to the Islamic penal code, public execution serves to increase the deterrent effect of punishment. See Sanaz Alasti and Eric Bronson, 'Death Penalty in Sharia Law', in Robert M. Bohm and Gavin Lee, eds., *Routledge Handbook on Capital Punishment* (New York: Routledge, 2018), 231–43.

³³ See, for instance, ACS, TSDS in Tripolitania (Libia), Misc., b. 12 f. 1734, b.13 f. 1747 and 1755.

³⁴ On the trial of Umar al-Mukhtar see Giorgio Rochat, 'La repressione della resistenza in Cirenaica (1927–1931)' and Romain Rainero, 'La cattura, il processo e la morte di Al-Mukhtar nel quadro della politica fascista di "ricoquista" della Libia', both in Enzo Santarelli, Giorgio Rochat, Romain Rainero et al., eds., *Omar Al Mukhtar e la riconquista fascista della Libia* (Milan: Marzorati, 1981), 53–189 and 191–253. The quote is on page 148.

³⁵ ACS, TSDS in Tripolitania (Libia), Misc., b. 13 f. 1757 and 1762.

Table 1. Trials of the TSDS in Libya in the period 1927–42

Trials concluded with a sentence of conviction or acquittal	185
Trials suspended after the second British occupation of Cyrenaica (December 1941–January 1942)	54
Trials dismissed as related to unknown persons	44
Trials dismissed for lack of authorisation to proceed	12
Trials blocked due to insufficient evidence of guilt	9
Trials ended due to the death of the convicted	3
Total trial files	307
<i>of which:</i>	
in the period 1927–29	90
in the period 1940–42	133

Table 2. Individuals under trial

Individuals condemned to prison terms and/or to the payment of a fine	254
Individuals acquitted	83
Individuals sentenced to death	28
<i>of which:</i>	
Executed	20
Death sentence converted to minor sentences	4
Death sentence suspended	2
Death sentence issued in absentia	2
Total individuals under trial	365

circumstances, the intention of the TSDS was clear: to show the severity of fascist justice towards offenders and dissuade those who wanted to hinder the fascist government in the colony.

But who were these offenders, the individuals tried by the Special Tribunal over the years? In the vast majority of cases they were Libyan subjects, mainly illiterate shepherds and peasants aged between eighteen and seventy years old, usually members of a *qabilah* (tribe). Often with no police record and in most cases unrelated to the militia, they were accused by the TSDS of having committed various crimes against the fatherland. Two of the most common charges were desertion and betrayal, which were frequently linked to the accusation of military espionage. Many Libyans were prosecuted for taking up arms against the fascist government during the rebellion in Tripolitania at the time of the landing at Misrata Marina in January 1922 and for ‘obstinately’ fighting against the Italian troops until the Italian occupation of Sirte in November 1923. The same charge often reappears in the trial files of the Special Tribunal after Italy joined the Second World War, to punish those who fought with the ‘Sanusi agents employed by the armed forces of the British state’ in eastern Libya in January 1941.³⁶ Indeed, the judges of the TSDS outlined the existence of a strong anti-Italian coalition between local insurgents belonging to the Sanusi brotherhood and the invading troops of the British government. In the interest of the fascist state, the Special Tribunal punished all those who had taken part in this alleged conspiracy.

Another recurring charge was that of armed robbery, usually of cattle and food such as barley and dates. This crime fell under the jurisdiction of the TSDS in the light of the presumed political value attributed to it. Indeed, for the fascist court, these raids had a clear political purpose. Often accompanied by murders, kidnappings and assault, they aimed to exert an ‘uninterrupted intimidating action’ on the local population to force it to rebel continually against the Italian occupation or to punish those who had ‘willingly’ submitted to the Italian government.³⁷ According to the fascist judges, the rioters were deliberately trying to create a ‘state of terror’ by means of the armed robberies.³⁸ In doing so, they caused serious damage not only to the prestige of the fascist state but also to the ‘normal

³⁶ Ibid., b. 14, no folder number.

³⁷ Ibid., b. 5 f. 1590.

³⁸ Ibid., 1577.

unfolding of the lives' of the conquered population, which is why the TSDS severely condemned this kind of crime.³⁹

The Special Tribunal punished with equal firmness those who diminished the prestige of the fascist state and the colonial administration in various ways. This was the case for those individuals who, whether Italian citizens or Libyan subjects, vilified Italian institutions, the national flag or the PNF symbols, or insulted Mussolini. The TSDS meted out analogous treatment to those accused of political defeatism. By disseminating false and alarming information about the weakness of the regime's military forces and their upcoming capitulation, they were guilty of questioning the reputation of the fascist power and disturbing public tranquillity. To prevent public order disturbances, the judges of the TSDS also punished the illicit possession of weapons and munitions, as well as the defence of, and incitement to, civil war. The additional accusation of aiding and abetting the insurrection against the powers of the Italian state complete the picture. This mainly concerned those who gave hospitality and support to the rebels instead of reporting them to the Italian colonial authorities. For the fascist jurists, these individuals stirred up the subjected population in a way that would deprive the Italian nation of its sovereignty over Libya and, for this reason, they were imprisoned for up to four years.⁴⁰ In imposing these sentences, the TSDS wanted to break the ties of assistance that bound the local population to the guerrilla fighters. This would have allowed the repressive fascist machine to annihilate the local resistance from its foundation.

As regards the punishments the Special Tribunal imposed on the approximately 220 convicted Libyans, in over half the cases they were fairly low penalties of between one month and four years of imprisonment. Often, these individuals were also forced to pay their own prison costs during the pre-trial detention or a fine that was frequently accompanied by a ban from holding public office. But there was no lack of more severe judgements. In addition to the death sentences mentioned above, thirty-nine indigenous people were condemned to between five and nineteen years in prison, and a similar number to between twenty and thirty years. Six sentences of life imprisonment were also issued, all involving charges of betrayal and desertion, frequently aggravated by charges of sequestration, murder and robbery. Nevertheless, the TSDS was not always rigid and inflexible in its judgements, with the penalties being reduced in several cases. In some circumstances, a conditional suspension was provided for 'good political and moral conduct', which meant having proved one's loyalty to the regime. At the same time, almost a fifth of the sentences were totally or partially forgiven as part of a series of amnesties granted in the late 1920s and during the 1930s.⁴¹

Although the majority of the trial files concern Libyan subjects, the TSDS in Libya also rendered judgement on sixty-five Italian citizens during its years of activity. Except for a few female defendants, the remaining cases involving Italian citizens were against literate men between the ages of twenty and sixty-six, half of whom were Italian colonial troops who came from a range of social backgrounds. There were journalists and barbers, traders and manual labourers, engineers and tailors, students and peasants, but also drivers, mechanics and gardeners. About half of these defendants were acquitted, but many were sentenced to up to six years of imprisonment for spreading false and alarming information that could 'depress the public spirit and cause harm to national interests'.⁴² The same punishment was given to those guilty of robbery, misappropriation of military equipment and illegal possession of weapons, and to those who vilified the armed forces, the Italian nation and the head of the Italian government.

Once again, the most severe penalties fell on those who were accused of betraying the fatherland in various ways. Thus, for instance, in September 1941 the soldier Antonio Moscatelli was sentenced to nine years and seven months in prison for – among other crimes – 'subversive propaganda', defence of

³⁹ *Ibid.*

⁴⁰ ACS, TSDS in Tripolitania (Libia), Misc., b. 1 f. 1526 and 1530, b. 4 f. 1562, b. 5 f. 1574 and 1594.

⁴¹ The fascist government provided amnesties through Royal Decree no. 736 of 11 Apr. 1928 and Royal Decree no. 99 of 26 Jan. 1933 on the occasion of the tenth anniversary of the regime. Other amnesties were conceded by the TSDS in Sept. 1933, June 1938, and May and Sept. 1940. The quote is in ACS, TSDS in Tripolitania (Libia), Misc., b. 13 f. 1756.

⁴² ACS, TSDS in Tripolitania (Libia), Misc., b. 6 f. 1644.

anti-national ideas and for continuously listening to 'seditious' foreign radio programmes.⁴³ In August 1931, the tailor Giovanni Gerratana was sentenced to twelve years of imprisonment – later remitted – for having emigrated from Tripoli to Tunis, where he had tried to organise a spy network with other exiles.⁴⁴ In April 1941, the officer Luigi Burocchi was sentenced to twenty-four years in prison for serving willingly at the headquarters of the British occupation forces in Benghazi and describing himself as anti-fascist and anti-Italian.⁴⁵ Nevertheless, the TSDS imposed the most severe penalty on Pasquale Sanua and Luigi Simoneschi, both members of the 29th Transmitter Company of the 20th *Reggimento Genio*, who were condemned to death in August 1939. The fascist court determined that the two defendants deserved this fate for espionage, aggravated desertion and illegal immigration to Tunisia, where they provided the French with information about the Italian defensive fortifications, telephone and road networks, compromising the military preparation of Libya.⁴⁶ These were the only cases of capital punishment involving Italian citizens. However, these sentences were never carried out since they were issued in absentia and, as regards Simoneschi, the TSDS reduced the penalty a year later.

When studying those tried by the Special Tribunal in the colony, some brief considerations on the gender dimension are also necessary. The archival resources show that only a few women were taken to trial before the TSDS in Libya, namely five Italian citizens and two Libyans.⁴⁷ They were variously accused of aiding an insurrection against state institutions, attempted espionage, illegal possession of weapons, calumny, vilification of the Italian nation and offence to the honour of the head of the Italian government. After the usual period of arbitrary preventive detention, six of them were acquitted. The only one to be condemned by the fascist justice was the Libyan Angelina Gabso, who was sentenced to twenty-three years in prison. This was undoubtedly an exemplary punishment. Among the charges against her was the diffusion of 'false, exaggerated and biased' political and military information aimed at 'raising public alarm and depressing the public spirit'.⁴⁸ Significantly, Gabso was also found guilty of another crime that the judges of the Special Tribunal considered gravely offensive and insolent: she had called the Duce a 'cuckold' and named her dog 'Mussolini'.⁴⁹

The Profiles of the Defendants through the Eyes of the Special Tribunal

From the content analysis of the data contained in the trial files of the colonial Special Tribunal for the Defence of the State, various significant elements emerge: the severity of this court, the crimes to which it paid most attention and the type of defendants it tried. All these aspects are relevant since they help to outline a clearer picture of the role of the TSDS in Libya. Moreover, they offer insight into its activity, which went far beyond the simple exercise of judicial power. In the footsteps of the TSDS based in Rome, the Special Tribunal for the Defence of the State in Libyan territories operated as the political judge of the colonial legal system in the Italian fourth shore. It prosecuted those individuals who – whether they were metropolitan citizens or imperial subjects – in various ways proved to be hostile to the fascist regime, which PNF theorists identified with the only authentic Italian nation.

Beyond the use of the legal instruments that the law made available to the TSDS, its repressive strategy in Tripolitania and Cyrenaica also encompassed the physical and moral debasement of anti-national adversaries. It was a strategy of de-legitimisation of the enemy that was very dear to fascism

⁴³ Ibid., b. 15, no folder number.

⁴⁴ Ibid., b. 6 f. 1600.

⁴⁵ Ibid., b. 11 f. 1699.

⁴⁶ Ibid., b. 16, no folder number.

⁴⁷ The data related to the natives do not pretend to be exhaustive about the fascist repression towards women in Libya. The number indicated does not correspond to the total amount of Libyan women who were victims of fascist colonial violence until 1943. The above-mentioned figures refer exclusively to the female victims of the political justice of the TSDS during the period of activity of this court, according to the archival material on female defendants found at the ACS.

⁴⁸ ACS, TSDS in Tripolitania (Libia), Misc., b. 11 f. 1702.

⁴⁹ Ibid. The fact that the defendant had called her dog 'Mussolini' was an even more serious offence in the context of a Muslim country like Libya since Islam considers the dog an impure animal.

and, in particular, to the fascist squads. In the period 1919–22 in particular, the propaganda of the movement and, then, of the party often represented the anti-nationals using recurrent images: as animals, as bloody beasts, as barbarians, as cowards.⁵⁰ These were the epithets that the Blackshirts mainly attributed to their foes par excellence, the socialists, during the ‘red biennium’ and until the March on Rome. Similarly, the Special Tribunal for the Defence of the State in Libya resorted to them at the time of prosecuting those who threatened the regime’s stability and jeopardised the security of the fascist nation with their subversive behaviour in the colony. There, the stigma of being a political enemy often merged with racial prejudice against Libyans. Although the latter enjoyed greater consideration than the natives of Italian Eastern Africa, they retained a lower degree of civilisation compared to the Italian conquerors according to fascists, who never ceased to proclaim their civilising superiority.

To degrade the anti-nationals, the TSDS, in the first place, denounced their pertinacity in carrying out hostile and criminal conduct. Thus, for instance, while trying a sailor from Misrata for treason, the fascist judges highlighted the ‘tenacity with which he persisted in anti-Italian sentiments’.⁵¹ In several cases, they identified the fact of having ‘fought stubbornly’ against the Italian troops as an aggravating circumstance to be ascribed to the defendant.⁵² Similarly, during the trial of an Italian *askari* who had enlisted among the rebels, the judges found that he was guilty of mocking and abusing Italian prisoners of war, as he assented ‘willingly’ to them being shot. The TSDS stressed that he had the ‘attitude of a relentless rebel’ for having pursued his criminal activities ‘with zeal and love’, and punished him harshly.⁵³ Indeed, he was one of the twenty Libyan defendants sentenced to death.

Moral baseness was another distinctive feature of the anti-nationals, according to the perception of the Special Tribunal. Depictions of culprits as petty and mean individuals are not rare in the reasons given by the TSDS for its judgements. The defendants were described as hooligans prone to ‘outbursts of anti-Fascist and anti-Italian sedition’, as ‘shady people’ who secretly harboured a hatred of the fascist homeland and as cowards who ‘passed to the rebels taking advantage of the darkness’.⁵⁴ Accused of acting sneakily and in the shadows, many of them were also stigmatised for taking advantage of the state of war – alluding to the Second World War – when committing their crimes. For the court, this was further proof of the disloyalty of the anti-nationals. They were guilty of harming the Italian fatherland at a time of particular hardship, by menacing the solidity of the fascist state from the inside while the country was fighting enemies from the outside. Idleness and irascibility frequently completed the picture, delineating a profile of lazy and sly individuals, deprived of any moral virtue, unable to fight loyally and comply with any code of honour.⁵⁵ For these reasons, they were to be treated without mercy.

In the opinion of the judges of the TSDS, mental deficiencies often accompanied the moral baseness of the anti-nationals. Some were depicted as individuals of limited intellectual capacity.⁵⁶ Others were held up as alcoholics in a state of ‘despair aggravated by psychic disturbances due to the alcohol ingested’.⁵⁷ Still others were labelled as mentally handicapped. They were described as ‘weak, easily subject to enthusiasms and depressions’ but also – and with even more severe tones – as ‘dangerous’, permanently infirm, with ‘exhibitionistic tendencies’ and prone to ‘personality disorders’ and to ‘vagrancy’.⁵⁸ This profiling – sometimes carried out by the judges of the TSDS, sometimes issued

⁵⁰ See Italo Balbo, *Diario 1922* (Milan: Mondadori, 1932), 9, 23–4, 125; Roberto Farinacci, *Squadrisimo. Dal mio diario della vigilia 1919–1922* (Rome: Ardita, 1933), 29, 88, 211, 230–42; Giuseppe Bastianini, *Rivoluzione* (Rome: Berlutti, 1923), 12, 16; Piero Girace, *Diario di uno squadrista* (Naples: Rispoli, 1940), 6–7, 50; Raffaele Angelo Vicentini, *Il movimento fascista attraverso il diario di uno squadrista* (Venice: Zanetti, 1935), 56, 91, 113, 142; Bruno Frullini, *Squadrisimo fiorentino* (Florence: Vallecchi, 1933), 17–9, 65, 219, 269–70. On the topic, Di Nucci, ‘Lo Stato fascista e gli italiani “antinazionali”’, 129–45; Gentile, *Storia del Partito Fascista*, 500.

⁵¹ ACS, TSDS in Tripolitania (Libia), Misc., b. 1 f. 1540.

⁵² *Ibid.*, b. 1 f. 1501, 1508, 1512.

⁵³ *Ibid.*, b. 4 f. 1572 bis.

⁵⁴ *Ibid.*, b. 5 f. 1585, b. 8 f. 1666, b. 5 f. 1583.

⁵⁵ *Ibid.*, b. 6 f. 1631.

⁵⁶ *Ibid.*, b. 13 f. 1755.

⁵⁷ *Ibid.*, b. 12 f. 1732.

⁵⁸ *Ibid.*, b. 12 f. 1737, b. 11, f. 1701.

as medical evaluations attached to the sentence – painted a worrying picture for the fascist regime that was firmly determined to face this degeneration. After all, Mussolini had already addressed the issue during the famous *Discorso dell'Ascensione* on 26 May 1927. For him, both alcoholism and madness fell into the category of 'social diseases' that tainted the 'Italian race', meaning 'the Italian people in its physical expression'.⁵⁹ Speaking to the Chamber of Deputies, he said that the country 'needs to deal with them and needs to do it in time', adding that it was a legitimate duty of the fascist state to 'cure' and eradicate these illnesses.⁶⁰

Obstinately seditious, capable of any pettiness, violent, apathetic, addicted to vice and psychologically unstable, the anti-nationals were punished for their 'abstruse and depressing rumours', for their 'ridiculous and foolish' claims and for 'sowing terror' in the colony.⁶¹ The contempt and irreverence they showed towards fascism cost them years in prison and, in some cases, their own lives. Moral marginalisation was added to physical isolation as proof of the systematic commitment of the regime to wipe out its opponents, who were unworthy to be members of the 'glorious' Italian fascist community in the eyes of the Blackshirts.

Conclusions

From its origins, fascism claimed the right to be the exclusive representation of the authentic Italian nation and self-identified with it, denying that there could be other ways of conceiving the fatherland and participating in its social, economic and political life. This exclusionary conception of the nation led the regime to make a distinction between the 'true Italians' – the fascists – and those who, because of their aversion to Mussolini's dictatorship or even their simple indifference to it, were labelled as anti-nationals to be fought relentlessly.

The fight against the anti-national enemy was a priority of Mussolini's government not only within the metropolitan borders but also within the fascist colonial administration. This is especially true in Libya, which PNF ideologues considered to be part of the Italian national territory, both for historical reasons and because of its geographical proximity. The local Special Tribunal for the Defence of the State served fascist ultranationalism by trying a considerable number of defendants, all of whom faced the same broad charge. In one way or another, they had carried out actions that threatened the fascist homeland by opposing Mussolini's government and the Italian colonial regime and hoping for their collapse. For the judges of the TSDS, it did not matter whether the defendants were Libyans fighting for the freedom and independence of their country or Italian citizens who dreamed of a better and more democratic future for their nation. They were all considered to be working against the existing order and were called to answer for their misdeeds before fascist justice.

The archival research has shown that the Special Tribunal for the Defence of the State in Libya was not as rigid and inflexible as one might have expected, taking into account the number of acquittals and amnesties granted. Nonetheless, this does not lessen the tragic importance of the role that this court played in the Italian fourth shore. By carrying out a meticulous operation of annihilation of the opposition on juridical, political, ideological and moral levels over the years, the Special Tribunal for the Defence of the State in the Italian colony of Libya fully entered into the framework of the repressive fascist strategy.

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⁵⁹ Benito Mussolini, 'Discorso dell'Ascensione', in Susmel and Susmel, eds., *Opera Omnia di Benito Mussolini*, vol. XXII, 362–3.

⁶⁰ *Ibid.*, 362, 364.

⁶¹ ACS, TSDS in Tripolitania (Libia), Misc., b. 2 f. 1537, b. 8 f. 1667, b. 4 f. 1567.

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