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#### Abstract:

The notion of normative pluralism, whose roots can be tracked all the way back to Santi Romano's masterpiece (*L'ordinamento giuridico*, 1918), is identified as one of the possible avenues to tackle the issue of Italian futures – trying to focus on what can be specifically Italian rather than on features that are necessarily shared by other (European) countries. Among the identified possible trends there are an increasingly difficult political decision-making process, and a decline of the institutional aristocracies – issues that can still be phrased using the words of an Italian professional scholar of possible futures, Giambattista Vico.



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# Italian Normative Pluralism: What is Unique about the Future of Italy?

**Gianfrancesco Zanetti**

## *Normative Pluralism*

*The Legal System* by Santi Romano was published in 1918, a little less than a century ago (Romano [1918] 1951). It is impossible to overstate the importance of this masterpiece of Italian jurisprudence and legal philosophy. These powerful pages have long influenced political philosophers and legal scholars, most notably Norberto Bobbio.<sup>1</sup>

According to Romano, law is the direct outcome of social formation. Where there is any form of society, there must be some kind of normative force in place. This axiom has interesting implications, among them the frank acknowledgment of the “normative pluralism” of institutions and of legal systems themselves. A century before multiculturalism and post-modern jurisprudence, Romano was adamant in maintaining that the norms of a criminal association are “law,” though of course of a different kind from, and in obvious tension with, state law.

It is not mere happenstance that an Italian author devised such a theory. Pluralism is built into Italian society. Most Italian cities were at one time or another capitals of independent flourishing states, complete with their own specific environmental, social, and cultural characteristics.<sup>2</sup> For instance, one can spend years studying the special social environment of Alto Adige, or Süd-Tirol, and it will not help at all in forming a basis for comparison with the different mores still flourishing in Naples. The problems of the industrial *Nord-Est* have little in common with everyday life in Calabria. Local politics are distinct from one region to the next.

Trite as this may sound, not all Italians are proud to be Italian, but almost all Italians are proud of their hometowns. The Italian word *campanilismo* is the byword for this shortsighted partiality of our own people living in the reassuring sight of the Campanile, or church bell-tower.<sup>3</sup> Someone from Venice, Naples or Florence may occasionally speak of Rome with a contempt that would be unimaginable from a non-Parisian Frenchman speaking of the Capital, the *ville lumière*. This basic diversity is a resilient construct for resisting the state’s bureaucracy and its futile efforts to enforce a posture of national uniformity. It is not just a matter of “character.” The law of succession in Alto Adige aims to protect the specificity of the *maso chiuso*, favoring the elder son in ways that are completely unique to this region (Rösch 1994; Gorfer and Faganello 2003; Mori 2009).

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<sup>1</sup> Norberto Bobbio was the most influential Italian legal and political philosopher of the second half of the twentieth century. For his thoughts on Santi Romano, see Bobbio 1958 (10-23); for general reference, see also Bobbio 2009.

<sup>2</sup> The political structure of these states could be quite different one from another, and ranged from an absolute, but elective, monarchy (the structure of the Church) to a long-term aristocracy like Venice.

<sup>3</sup> The famous pages about the Marcellinara shepherd and the reassuring sight of the village bell tower were the starting point of some contemporary reflections by Escobar (1997). In Italy, Escobar was known for his movie reviews in the literary supplement of *Il Sole 24 Ore*.

Moreover, it is only in recent years that the notion of the *delitto d'onore* has been abolished from the penal code. It had originally been written into law in order to protect individuals accused of murder and to provide the possibility of a reduced sentence for those who may have acted out of a deeply ingrained will to protect the valuable if immaterial good of family honor. The Italian poet and author Pier Paolo Pasolini cherished some aspects of this diversity—if not the “*delitto d'onore*”—and lamented its impending loss as yet another sign of the *omologazione* that was going to level the richness of the peninsula’s popular culture (1995).

While such problems are certainly shared by fellow members of the European Union, especially in the current global political discourse that speaks of countries being in danger of “losing their soul,” forgetting their roots, and other all-too-familiar national anxieties, there are specific Italian peculiarities that must be stressed. Several aspects of “Italian Futures” are doubtless not specifically Italian—we can find similar features, say, in the European Community or in the Mediterranean region more generally. The challenge here is to determine what we can say about the specificity of the Italian case, and whether it exists at all. I submit that it does.

There are in Italy—and only in Italy—at least two major institutions endowed with *substantial normative powers* (both acknowledged by Romano). These institutions, though very different one from another, share some crucial features:

They can and do impact the outcome of political elections without directly and openly taking part in them, and without assuming any direct political responsibility.

They follow (legal) rules other than their own when this suits their specific interests.

They enact and enforce their own sets of rules.

They require a weak state in order to flourish.

The first that comes to mind of course is the Catholic Church, and more precisely the Vatican State,<sup>4</sup> physically located in the heart of the capital. The second institution is, to use a very broad and general term, the mafia (in its multiplicity of structured, organized criminal associations). To be sure, the differences outweigh the similarities. The Church is a perfectly legal institution, and is acknowledged as such in the Italian juridical system on the constitutional level. The mafia is by definition illegal. If you are a Roman Catholic the differences are even more dramatic since they involve nothing less than the eternal fate of immortal souls.<sup>5</sup>

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<sup>4</sup> The Catholic Church is extremely powerful in other countries, such as Spain and Poland. This fact should not cloud the specificity of the Vatican State and its influence on Italian normative pluralism.

<sup>5</sup> Another common feature is of course a shared rational anthropology as far as sexual orientation is concerned. Neither the Roman Church nor *Cosa Nostra* (the Sicilian mafia) officially accept gay men in their midst. As far as “mafia” is concerned, Professors Girolamo Lo Verso and Cecilia Giordano discussed

Even so, it is important to focus on the similarities because no other European state has a substantial portion of its national territory under partial control of one or more criminal associations, and no other European state has such a powerful, alternative normative source physically located as a sovereign state in a given territory within its borders. If we want to deal with *Italian* futures, we must focus on what is typically Italian, otherwise we run the risk of creating generalizations that simply fold Italy into a mainstream Western European future that can be foreseen, say, by social scientists.

To take another example of a specifically Italian case of normative pluralism, in the relatively recent past Italy was home to the most powerful European Communist Party, an organization which often acted as another *Chiesa*. The Party censured artworks or authors as decadent or immoral, which Pasolini, a long-time card-carrying member, learned the hard way. It celebrated some lifestyles while deploring others. In one of his most celebrated *Corriere della Sera* op-ed articles, Pasolini perceived and described Italy as “a clean country within a dirty country,” claiming that Italy and the Italian Communist Party (PCI) had “two incompatible systems of morals.”<sup>6</sup>

Many other examples could be cited, but we need at least a sketch of the theoretical challenges they entail. I would argue that one of the possible and most important characteristics of normative institutions is an expansion/compression pattern. If a normative institution becomes more powerful as such—for example because of increased prestige of its leadership, or thanks to the impeccable moral behavior of its members, or as a consequence of an aggressive, intimidating policy—other normative institutions will tend to become less powerful. This dynamic is part of the logic of normative pluralism in the sense that it does not depend on the specific intentions, plans, or goals of individual human beings. Inherent in normative pluralism is the possibility (but only the possibility) of a clash between competing institutional powers. In other words, an expansion in one area of a normative horizon may well mean a compression in another area.

According to this account we do not need to conjure up the dark picture of *mafiosi* plotting in robes and hoods or of a secret meeting of *Beati Paoli*; neither must we offend our bishops by claiming that they harbor anti-patriotic feelings. All of this is unnecessary.<sup>7</sup> Major alternative normative institutions are consistent with a normatively weak state. Specific historical reasons may trigger the expansion/compression dynamic in Italy, and these are certainly open to debate in any given instance. However, the recurrent

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aspects of this problem during the Conference “Omosessualità, omofobia e psicoterapia,” organized by the University of Palermo, University Federico II of Naples and “La Sapienza” of Rome, on February 19, 2010. The Church, on the other hand, does not admit gay men to holy orders, or even those who support ‘gay culture’ (Grochowski 2005).

<sup>6</sup> “Il Partito comunista italiano è un Paese pulito in un Paese sporco, un Paese onesto in un Paese disonesto, un Paese intelligente in un Paese idiota, un Paese colto in un Paese ignorante, un Paese umanistico in un Paese consumistico. In questi ultimi anni tra il Partito comunista italiano, inteso in senso autenticamente unitario - in un compatto ‘insieme’ di dirigenti, base e votanti - e il resto dell’Italia, si è aperto un baratro: per cui il Partito comunista italiano è divenuto appunto un “Paese separato,” un’isola. Ed è proprio per questo che esso può oggi avere rapporti stretti come non mai col potere effettivo, corrotto, inetto, degradato: ma si tratta di rapporti diplomatici, quasi da nazione a nazione. In realtà le due morali sono incommensurabili, intese nella loro concretezza, nella loro totalità” (Pasolini 1974).

<sup>7</sup> Unnecessary does not mean impossible. There is a history of plots and subversive actions in Italy, the only European country, after all, to have a *Commissione Stragi*, an institutional committee that deals with the political slaughters that took place in Italy from the end of the sixties into the eighties. This is not, however, the subject of this essay.

normative pluralism phenomenon seems to be a likely candidate for any inquiry about a specifically Italian “future.”

No deliberate plot need be posited, nor even a deep awareness in the thought processes of actual decision makers, to explain why alternative normative institutions tend to side with social and political trends that seem to be out of sync with the idea of a “strong”—i.e. efficient, successful, independent—national state. Normative institutions obviously can implement different strategies such as building alliances or joining forces in order to achieve specific results. There can be important overlapping interests between them and strategies that have to do with specific local and historical circumstances. The overarching factor in Italy seems to be the persistence of a relatively weak national state that is rarely able to dominate alternative institutions but is also in need of some kind of negotiable help from them.

One of the first points I would like to make concerning the future of Italy is that unless input from the outside (e.g., nudges from the European Community, sentences from the European Court of Justice, recommendations to face environmental or economic emergencies) plays a crucial role in the political decision-making process, Italian institutions will have to face the challenges of post-modern complexity burdened by the additional complication of a peculiar normative pluralism.

I hasten to add that normative pluralism is not necessarily an evil per se: quite the contrary, it very often creates strange, and sometimes fascinating, spaces of “freedom.” These spaces would be unthinkable within a different normative setting.<sup>8</sup> While Italian normative pluralism is not conducive to organizational efficiency, effective decision-making processes could be successfully outsourced. It would be interesting to determine what shape such a practice might take along an institutional horizon that could accommodate Italy’s peculiar dynamic of normative pluralism.

### *The End of Aristocracies*

There is another side to the logic of Italian normative pluralism that must be considered here, one that could be described under the heading of “institutional aristocracy.” Italian political science has always been fascinated with the problem of aristocracies. The Sicilian thinker Gaetano Mosca believed in the key role played by the “ruling class,” and Vilfredo Pareto famously stated that history itself is but “a graveyard of aristocracies” (Mosca 1939, 1982a, 1982b; Pareto 1935; Bobbio 1971).<sup>9</sup> While Mosca is particularly interested in *the* ruling class, Pareto believes that in every social field there is a given *élite*. For our purposes, there is no need to take sides, or to elaborate any original theory of social aristocracy. It should be enough to recognize that in any society there exist special groups that are able to concentrate in their hands a certain amount and a specific

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<sup>8</sup> For example, homeless people and drug-addicted people sometimes find some kind of shelter near a church or in the University neighborhood. They perceive that the power of those two institutions (the Church and the University) is occasionally liable to “dim” the power of the “State” while they keep in physical proximity to the buildings that host such institutions. The university per se, of course, is nowadays not endowed with a substantial normative power.

<sup>9</sup> Romano wrote a famous obituary of Mosca (1942, 129). For the relationship between Romano and the two elitist thinkers Mosca and Pareto see Cassese (1972).

kind of prestige and power. Under some circumstances, that power can take substantial normative forms, thus making the normative pluralism scenario even more complex. The relationship between normative institutions and institutional aristocracies is characteristically ambiguous.

Institutional aristocracies can be consistent with a healthy, efficient political power. Not all these aristocracies necessarily achieve a status that gives them substantial normative power. Institutional aristocracies embodying some kind of excellence may serve to confirm the legitimacy of the shared vision of the political whole, which proudly feeds on the value of such special groups. It is a commonplace that they flourish best under a weak state that is unable to subdue or eliminate them in order to fulfill the promise of modern political rationality. Too weak a state cannot feel comfortable with institutional groups that challenge its status and prestige. The weak state is limited in its ability to control, manipulate, employ and use these groups as a source of its own legitimacy.

The power of these aristocratic groups does not necessarily stem from the same source of legitimacy that bestows its aura on democratic politics. The consent expressed by free elections can legitimate elected officials, but there are groups with claims to special legitimacy based on other sources: judges, university professors, members of the Army Special Corps, and so on. Whether in their regular functions or on special occasions, these groups display their special status with their attire: robes, academic hats, dress uniforms. Every Italian knows how to distinguish a Roman Catholic bishop from a cardinal—the former in the color *viola paonazzo*, the latter in the color *porpora*. Such attire is regulated not by fashion, but by specific sets of norms.

In its traditional uniform the *Arma dei Carabinieri*, whose main mission is to fight criminality within the national borders, is the repository of an extraordinary degree of trust. According to opinion polls, Italians trust the *Arma* more than the Catholic Church. The high officers of the Carabinieri are close to the most delicate state decision-making agencies. Without directly intervening in politics or economic decisions, they do enjoy unique prestige in the peninsula (Amato 2008, 2010). This widespread respect is remarkable in the land of the skeptical and the home of the cynical. Attempts have been made to merge the *Arma* with the Italian *Polizia di Stato* for the good reason that both corps (a) report to the Minister of the Interior and (b) fight criminality within Italian borders. However, the *Arma*—with its tradition, its uniform, its special mores—enjoys unrivaled respect.<sup>10</sup>

Italian political authorities have a much different relationship with judges and professors (on contemporary Italian politics, see among others: Ceri 2011, Ciliberto 2011, Ferrajoli 2011). Scientific research is deliberately underfunded, and members of the Italian academy are being stripped, year after year, of their many privileges. Weakened by their own lack of self-discipline, Italian professors are now easy prey to an aggressive political campaign, supported by a wide swath of the media. While many allegations against this special group are based on undisputable facts,<sup>11</sup> it is also true that a healing

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<sup>10</sup> Let me quote the title of an unsigned article from a right wing oriented newspaper, *Il Giornale* from April 2, 2010: “Gallitelli e l’orgoglio da carabiniere: ‘Noi, unirci alla polizia? Mai’” (Gallitelli and the pride of the *carabiniere*: “Join forces with the police? Never”).

<sup>11</sup> “In Italy, nepotism is perceived as a cancer that has metastasized, invading many segments of society, including academia. The figure of the ‘barone’ (baron), the all-power senior professor who can, with a

process could recreate the basis for a responsible and prestigious academic community. Finally, until a few years ago the outcome of a university competition was never questioned: it would have been unthinkable to fight against the power of the academic *baroni*. Today, on the contrary, it can and does happen. Those who are unhappy with the results of the rituals of the University aristocracy can be quite vocal, and you can read about it in the most influential Italian media.<sup>12</sup>

Several explanations for this fact can be offered: university professors are perceived as a radical-chic lot, and are therefore despised by populist politicians; the economic crisis forces painful choices, and scientific research is considered an expensive optional luxury item; the world of humanistic culture is fundamentally at odds with an increasingly widespread philistine, money-oriented attitude, which in turn is a necessary element of any populist politics. Norberto Bobbio once stated that democracy had yet to make an impact on specific social environments in Italy: “l’impresa, l’apparato amministrativo” (1984, 16; the business enterprise, the bureaucratic apparatus). One might add: the Hospital, the University, and so on. Until a few years ago, a hospital chief of staff, a *primario*, would have never worried about the possible legal consequences of his or her mistakes, which, unfortunately, occasionally do happen. These days legal concerns play a key role, and sometimes constitute a heavy burden in the medical profession, often to the detriment of the patients. The *bianco* (white-coat) power of the doctors has been affected by the general decline of Italian aristocracies.<sup>13</sup>

Another key institutional aristocracy, the judiciary, has gone through the same process of dramatic diminution of prestige. Again, there are several reasons for this: the clash with politicians resenting the alleged “interferences” of the judiciary; the pressure of an army of lawyers (there are more lawyers in Rome than in all of France, and many of them are members of Parliament); the shortcomings of the Italian legal system (whose civil law trials can notoriously take many years). There are certainly specific explanations for these phenomena, both from a political and a sociological point of view. The important point here is that yet another piece falls into place in the larger mosaic that reveals a social environment where institutional aristocracies become weaker and weaker.<sup>14</sup>

On the one hand, there is a relatively clear trend that pits political institutions and their normative power against institutional aristocracies. The political game—based on democratic consent and in which control of the media is playing an increasingly crucial role—is often shaped by the clash with those aristocratic institutions that do not derive their legitimacy through electoral consent. On the other hand, the decline of aristocracies

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stroke of the pen, make or destroy careers, has permeated popular culture and is frequently represented in novels and movies. Nepotism practices are especially damaging in a situation in which there are very few new positions” (Allesina 2011). Evidence of Italian university nepotism is the high clustering of family names within Italian academic institutions.

<sup>12</sup> See, e.g., the April 30, 2008 article by Gian Antonio Stella, the best selling journalist who created the now popular term *casta* in order to designate the self-centered Italian ruling class: “Il prof-oracolo: perderò il concorso. Scrisse al *Corriere*: a Salerno vincitrice già decisa. Ha avuto ragione” (Stella 2008).

<sup>13</sup> From 1994 the number of legal litigations in this field has risen 255%—reaching the threshold of 34,000, according to the last ANIA Annual Report (ANIA, 2010-2011). See also Italsalute.it (n.d.).

<sup>14</sup> The decline of “informal” aristocracies, on the other hand, is not a specifically Italian phenomenon—the Italian intelligentsia is no longer an influential voice, but the same could be said about France. Antonio Gramsci would have not deemed our current *intellettuali* a subject worth studying.

can be described as an independent phenomenon whose reasons can differ from case to case. Of course, there is something admirable about the increased power of the “people” who no longer feel in awe of aristocracies, but nothing comes for free. The decline of Italian aristocracies is not without consequences.

A constant theme in the conversation about Italy’s future is that the rich social landscape of the peninsula will most likely be simplified, and institutional aristocracies will see their roles diminished if not erased. We could phrase this topic in terms of a crisis of the system of checks-and-balances, expressing concern for the slide of Italian constitutional democracy into a populist democracy. Such concerns are legitimate and worth sharing.

While Silvio Berlusconi may certainly have very personal reasons to fear judges, Carabinieri, and even professors, we do not need to blame the current Italian Prime Minister for hatching a sinister plot to dismantle Italian aristocracies.<sup>15</sup> His persona is a powerful mix of the pride of a self-made man and plebeian populism. It functions as a special catalyst that seems to speed up this process of smoothing out the Italian social landscape, while simultaneously calling attention to the erasure of Italy’s distinct social and political contours. The downfall of Italian aristocracies is and will be the outcome of a more abstract array of factors. The (too) weak central power cannot let them play their natural roles: a subsidiary source of legitimacy, a focus for feelings of social cohesion, a social basis for some kind of shared values, and so on. On the other hand, those few institutions that have been able to independently develop substantial normative powers are more likely to continue to flourish. While aristocracies per se can be consistent with a shared vision of a flourishing political whole, the price to be paid is that these groups can abuse their power and prestige, and quite often do. Consequently institutions endowed with substantial normative powers seem to need a weak state in order to flourish.<sup>16</sup>

At the end of the day this scenario does not make the implementation of any long-term political vision an easy task. Institutional aristocracies have played and continue to play a special role in Italy. Their downfall will impact the very structure of the Italian social hierarchy. It is not possible to predict the details of such an impact on Italian normative pluralism. Too many variables are involved. Nevertheless, I would like to offer a third and final hypothesis about the Italian future.

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<sup>15</sup> This paper is not about the relationship between the Berlusconi administration and alternative institutions endowed with substantial normative power. On the relationship between the Prime Minister and the mafia much has been rumored and written. The Catholic Church, on the other hand, has more or less supported the Berlusconi administration. This support has entitled the Roman Church to receive substantial financial help, and to have the last word in any law involving an “ethical issue.” This support did not fail to create some embarrassment in the community of believers, because of the frequent public criticism of the Prime Minister’s lifestyle. When a very mild criticism was actually published in *Avvenire*, the Catholic newspaper, another newspaper, owned by Mr. Berlusconi’s brother, started a campaign against the *Avvenire* Director, Mr. Boffo, who was accused of being a molester and a closeted gay man. Mr. Boffo finally resigned. The journalist who ran the campaign later acknowledged his mistake—unreliable papers had apparently been taken as evidence.

<sup>16</sup> Needless to say, skillful individual members of social aristocracies will always be able to manipulate political power, especially in local politics, where molecular political power is played by ear. And there will be always pressure groups, inner circles whose membership is passed down from father to son, powerful financial oligarchies, and so on. What is at stake in this essay are only alternative institutions endowed with substantial normative power and social aristocracies.



## *Vico's future*

In order to do this, I turn to the only Italian philosopher who tackled the issue of “future” in what could be termed a “professional” way. Giambattista Vico is, in my opinion, the Italian author of *the* classic text in terms of normative institutions and their logic, even if there is no documented connection between Vico’s book and Romano’s thought.<sup>17</sup> Vico’s theory of cycles made it possible to conjure up an array of possible alternative future directions under specific circumstances. Such options, disguised and hidden, are still quite active in Italian public discourse.

In the age of full democracy, writes Vico, there lurks a danger. Without proper social virtues such as the basic skill of being able to feel shame, human beings tend to crowd together and yet they are basically disconnected one from another. They are atoms of unrelated individuality; they are selfish in a fundamental, intrinsic way.

It would be too easy to point out that this is precisely what is going on right now: the great unifying myths of Italy are breaking down. The Risorgimento<sup>18</sup>—the sequence of historical events that led to the formation of the Italian nation as well as the historical period once perceived under a glow of heroism and near sanctity—is aggressively attacked by those who, for different reasons, claim to be displeased with the outcome. Nor is the Catholic Church a unifying force. Its positions on civil rights make the Holy See more a *de facto*, if ambiguous, ally of Italy’s political Right. The Constitution, which for years successfully embodied the delicate balance between Italy’s different political souls at the end of World War II, is under attack. Undereducated politicians feel free to speak about it dismissively. The national anthem, the flag, and even the most sacred institution, the national soccer team, are occasionally treated with open disrespect. These social aristocracies that could represent reasons for a shared pride are losing power and prestige. A commentary on this list would be quite tedious and depressing.

However, what might be highly interesting is Vico’s vision of the possible outcomes of this kind of basic situation.

Al quale gran malore delle città adopera la provvidenza uno di questi tre grandi rimedi con quest’ordine di cose umane e civili.

Imperciocché dispone, prima, di ritruoversi dentro essi popoli uno che, come Augusto, vi surga e vi si stabilisca monarca....

Dipoi, se la provvidenza non truova sì fatto rimedio dentro, il va a cercare fuori;...tali popoli...divengano schiavi per diritto natural delle genti ch’esce da tal natura di nazioni, e vadano ad esser soggette a nazioni migliori, che l’abbiano conquistate con l’armi.... [C]hi non può governarsi da sé, si lasci governare da altri che ’l possa....

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<sup>17</sup> For my views on Vico see Zanetti 2011.

<sup>18</sup> Celebrations of 150 years of Italian unity elicited some controversy. Politicians of the above-mentioned Italian region, Alto Adige/Süd Tirol, for example, flatly stated that their people had nothing to celebrate, since they did not want to become Italians to begin with.

Ma, se i popoli marciscano in quell'ultimo civil malore, che né dentro acconsentino a un monarca natio, né vengano nazioni migliori a conquistargli e conservargli da fuori, allora la provvidenza a questo estremo lor male adopera questo estremo rimedio: che...con ostinatissime fazioni e disperate guerre civili, vadano a fare selve delle città, e delle selve covili d'uomini. (1990, 966-67)

Against such great civil maladies, providence must administer one of three great remedies in the order of human institutions.

Providence may intervene so that the people discover a leader like Augustus, who rises up and establishes himself as their monarch....

If providence finds no such remedy within, it seeks one outside the commonwealth.... Such people are subjected to superior nations which conquer them by arms...when people cannot govern themselves, they must be governed by another....

When the people suffer from a fatal civil malady, and can neither accept a native monarch, nor tolerate the conquest and protection of a superior nation, then providence may administer an extreme remedy to their extreme illness...providence causes their obstinate factional strife and desperate civil wars to turn their cities into forests and their forests into human lairs. (1999, 487-88)

In the first instance, democracy can turn into a monarchy. Our current state of affairs shows some signs of moving in this direction. Italians still seem to be attracted to the *uomo forte*, and our current Prime Minister has already referred to himself as one "anointed by the Lord," and has occasionally acted accordingly. The balance of power is shaky in the peninsula, and could be shakier in the future. Normative pluralism and the decline of aristocracies could push the country in the direction of a "strong man," supported by alternative normative institutions in exchange for favors and privileges.

A second possibility is to be conquered by a neighboring, healthier people. At the time of Vico, to be conquered could mean devastation, killing, rape and suffering. In this scenario, geographical borders would play a more crucial role than they do now. Yet, *mutatis mutandis*, a "provident God" of Vico's sort (although some scholars believe that Giambattista was not a true believer) could be the power behind the flow of immigrants from Africa, Asia, and Eastern Europe. The impact of migration is powerful, and some Italians do feel that Italy is being invaded by hostile strangers. This feeling is hardly limited to Italy; xenophobic behavior is increasingly widespread all over Europe.

Needless to say, interaction with these brothers of ours is sometimes painfully difficult. The reasons for these difficulties include irrational fears, racist prejudices and ineffective social structures. The fact remains that immigrants are awakening slumbering Italians, forcing people to reason in terms of normative institutions and powers, and thereby giving new meaning to the question: "What does it mean to be Italian?" Moreover, these new Italians do not share the sets of beliefs that are the basis of legitimization of some alternative Italian normative institutions. Multicultural challenges

will not simply go away or be smoothly resolved. They will be most likely be “forced” on the Italian people, likely causing them to perceive necessary and necessarily painful change as decline and error.

One last option acknowledged by Vico is that of slouching back to a brutish state—a new dark age. This surreal option, let me cheerfully concede, could not be solely Italian.

It therefore looks like new forms of normative pluralism are knocking at the door—scenarios that Santi Romano (a conservative who joined the Fascist Party) could have never foreseen. His daring approach was used—for example by Antonio Pigliaru ([1959] 2000)—in order to explain how even the *barbaricina* vendetta could be understood as legal system. And it could perhaps be useful again in order to understand an increasingly complex institutional scenario: a normative spiral of overlapping communities that range from the different groups that flourish in a multicultural society, to the European and international institutions that can and will affect Italian law and politics. Perhaps only a frank, realistic acknowledgement of such pluralism can capture some specific and crucial features of contemporary Italian society.

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### *Bibliography*

- Allesina, Stefano. 2011. “Measuring Nepotism through Shared Last Names: The Case of Italian Academia.” PLoS ONE 6 (8): e21160. Epub (August 3). doi: 10.1371/journal.pone.0021160. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3149595/>
- Amato, Rosaria. 2008. “Crolla la fiducia nelle istituzioni. Sotto il 50% anche la Chiesa.” *La Repubblica*, January 22.
- ANIA [Associazione nazionale imprese assicuratrici]. 2010-2011. Annual Report [http://www.sanita.ilsole24ore.com/Sanita/Archivio/Normativa%20e%20varie/ANIA\\_2011.pdf?cmd=art&codid=26.0.3298084705](http://www.sanita.ilsole24ore.com/Sanita/Archivio/Normativa%20e%20varie/ANIA_2011.pdf?cmd=art&codid=26.0.3298084705).
- . 2010. “Eurispes, cresce fiducia in Napolitano.” *La Repubblica*, October 25.
- Bobbio, Norberto. 1958. *Teoria della norma giuridica*. Turin: Giappichelli.
- . 1971. *Saggi sulla scienza politica in Italia*. Bari: Laterza.
- . 1984. *Il futuro della democrazia. Una difesa delle regole del gioco*. Turin: Einaudi.
- . 2009. *Etica e politica. Scritti di impegno civile*. Milan: Mondadori.
- Cassese, Sabino. 1972. “Ipotesi sulla formazione de *L’ordinamento giuridico* di Santi Romano.” *Quaderni piacentini* 1: 243-283.
- Ceri, Paolo. 2011. *Gli italiani spiegati da Berlusconi*. Rome-Bari: Laterza.
- Ciliberto, Michele. 2011. *La democrazia dispotica*. Rome-Bari: Laterza.
- Escobar, Roberto. 1997. *Metamorfosi della paura*. Bologna: Il Mulino.

- Ferrajoli, Luigi. 2011. *Poteri selvaggi. La crisi della democrazia italiana*. Rome-Bari: Laterza.
- “Gallitelli e l’orgoglio da carabinieri: ‘Noi, unirci alla polizia? Mai’” (unsigned article). 2010. *Il Giornale*, April 2.
- Gorfer, Aldo, and Flavio Faganello. 2003. *Gli eredi della solitudine - viaggio nei masi di montagna del Tirolo del sud*. Sommacampagne: Cierre.
- Grocholewski, Zenon. 2005. *Istruzione della Congregazione per l’Educazione Cattolica circa i criteri di discernimento vocazionale riguardo alle persone con tendenze omosessuali in vista della loro ammissione al Seminario e agli Ordini sacri*. Vatican City: Libreria Editrice Vaticana.
- ItaliaSalute.it. N.d. “Errori medici: aumentano le denunce.” <http://www.italiasalute.it/7426/Errori-medici-aumentano-denunce.html>.
- Mori, Edoardo. 2009. *Il maso chiuso del Sudtirolo: la sua storia e la normativa vigente*. Bolzano: Provincia autonoma.
- Mosca, Gaetano. 1939. *The Ruling Class*. Translated by Hannah D. Kahn, edited and revised, with an introduction by Arthur Livingstone. New York: McGraw-Hill.
- . 1982a. *Scritti politici. Vol. I: teorica dei governi e governo parlamentare*. Edited by Giorgio Sola. Turin: UTET.
- . 1982b. *Scritti politici. Vol. II: elementi di scienza politica*. Edited by Giorgio Sola. Turin: UTET.
- Möschel, Mathias. 2011. *The Relevance of Critical Race Theory to Europe*. Doctoral dissertation defended at the European University Institute, June 21.
- Pasolini, Pier Paolo. 1974. “Cos’è questo golpe? Io lo so.” *Corriere della sera*, November 14.
- . 1999. *Saggi sulla politica e sulla società*. Edited by Walter Siti and Silvia De Laude. Milan: Mondadori.
- Pigliaru, Antonio. [1959] 2000. *La vendetta barbaricina come ordinamento giuridico*. 2<sup>nd</sup> ed. Introduced by Luigi Lombardi Satriani. Milan: Giuffrè. 1<sup>st</sup> ed. 1959.
- Romano, Santi. 1942. “Gaetano Mosca.” *Rivista di diritto pubblico* 20 (pt. 1): 129-134.
- . [1918] 1951. *L’ordinamento giuridico*. 2<sup>nd</sup> ed. Florence: Sansoni. 1<sup>st</sup> ed. 1918.
- Rösch, Paul. 1994. *Südtiroler Erbhöfe: Menschen und Geschichten*. Bolzano: Raetia.
- Searle, John R. 1995. *The Construction of Social Reality*. New York: The Free Press.
- Stella, Gian Antonio. 2008. “Il prof-oracolo: perderò il concorso. Scrisse al *Corriere*: a Salerno vincitrice già decisa. Ha avuto ragione.” *Corriere della Sera*, April 30.
- Vico, Giambattista. 1990. *La scienza nuova (1744)*. In *Opere*. Edited by Andrea Battistini. Milan: Mondadori.
- . 1999. *New Science*. Translated by David Marsh. London: Penguin.
- Pareto, Vilfredo. 1935. *The Mind and Society [Trattato di sociologia generale]*. New York: Harcourt, Brace.
- Zanetti, Gianfrancesco. 2011. *Vico eversivo*. Bologna: Il Mulino