

Corso di Dottorato in Studi letterari, linguistici e storici. XXXII ciclo

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Tesi: "*The action of the military courts in the war of brigantaggio (1863-1865) Some case studies.*"

Abstract

The research activity has focused on the issue of the war on brigantaggio conducted by the Italian state in the country South in the years close to Unification. In particular, it addresses the phase of the war in which the exceptional legislation regime was implemented and the role played by military courts during the conflict. The analysis started from the historiographic problem of the war on brigantaggio as part of the civil conflict that opposed the unitary and anti-unitary factions, and which accompanied the integration of the South into the united State. The conflict saw the participation of numerous actors, it took place over several dimensions and it saw several phases: the focus of my research is the "war of justice", that is, the phase between 1863 and 1865, when with the Pica law the conflict was for the first time regulated and brought within the bounds of legality. The effects of the extraordinary regime were perceived on several levels: on the legal one, because the courts ensured rapid trials and severe sentences without abusing their power; on the political level, because the victory over brigantaggio allowed the affirmation of the new order and the definition of the pact with the southern liberals, and finally on the social level, because public order was restored and the trust of the local population was regained. Through the new strategy inaugurated by the Pica law, the state ensured a balance between the necessary repression and the protection of some fundamental constitutional rights. A balance was struck between severity and garantism. Military courts, with the constant support and supervision of civil authorities, were able to guarantee a series of factors such as fast trials, the efficiency of repression and balance in judgments. The traces of this operating mode have been identified through the analysis of the procedural documents of the military courts examined: those of Potenza and Bari. The research proceeded along a double track: the quantitative one, collecting, cataloging and analyzing the data collected from the litigation papers; and the analytical one, focusing on the operating procedures of the courts and the social aspects of brigantaggio that emerged from the stories of the trials, thus showing a representative cross-section of the reality of brigantaggio in those areas and in said period. Part of the research was also dedicated to the reconstruction of some judicial accounts, an engaging and interesting way to understand the procedural mechanisms and the private and psychological dimension of the accused. The study, which serves as a starting point for the discussion of a wider problem, has allowed us to understand how the military courts acted during the war, whether there was a gap between the norm and its application and what face brigantaggio had over the years of extraordinary legislation, with reference to the territories under the jurisdiction of the courts of Bari and Potenza. The two years of war that went from 1863 to 1865 were crucial for the definitive defeat of brigantaggio, the integration of the South in the Italian state and the affirmation and legitimization of the unitary project as the basis on which to build the new social pact. The research determined that the Italian government managed to achieve these objectives with the synergistic action of three actors: political, military and judicial.