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THE TWENTY YEARS' WAR:
GRUPPO ESPRESSO V. SILVIO BERLUSCONI

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*Alla mia famiglia, che mi ha sempre spinto a fare anche quello che non volevo così da farmi
comprendere che invece ci sarei riuscita.*

A L., che c'è dal lontano 1998 ed è sempre ad una telefonata di distanza.

A S., per i ricordi sui banchi di scuola, e quelli che verranno.

A E., che detesta le dichiarazioni mielose, e quindi se le merita tutte.

*A V., perché condividere una stanza a Sansom West è stato più di condividere
una stanza e papers di Stiglitz.*

*A tutti gli amici di Roma (sapete chi siete) perché altrimenti non sarei quella che sono,
e ad A. in particolare per avermi sopportata ed aiutata in qualsiasi circostanza.*

*Agli amici con cui ho studiato, riso, mangiato, bevuto, ballato, viaggiato,
giocato a biliardino e inveito contro le aule computer,
agli amici con cui sono cresciuta in cinque e più anni.*

E a N., perché sai farmi ridere sempre.

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INTRODUCTION

The relevance of Silvio Berlusconi in the political field of what has been called Italy's "second republic" is undeniable, especially for the new "style" of politics he helped establishing in the country. Just as undeniable is, however, the fierce opposition he usually has encountered from the magazines published by *L'Espresso Group*. Indeed, *L'Espresso*, *MicroMega*, and *la Repubblica* especially, have often analyzed and shed a negative light on both the government acts and the *persona* itself of Berlusconi, whom, on his part, has never desisted against such an "enemy", thus embittering the clash.

It can be said, indeed, that a steady conflict amongst the two contenders has been pursued since even before the beginning of *il Cavaliere's* political career, getting harsher and more intense as the years went by.

This dissertation, therefore, aims at analyzing the great debates and highest moments of tension between the two protagonists, for example from the reasons caused more by business reasons, to when the publications felt more "personally" stricken, as well as the "practical" actions that either one of the two parties involved.

The first chapter explores the beginning of such a rivalry through the analysis of the so-called *Segrate War*, a mostly economical and judicial clash that put in contrast Silvio Berlusconi and Carlo De Benedetti over the property of the publishing house Mondadori. Indeed, the publishing house had overseen the creation of *la Repubblica* through a collaboration with *L'Espresso Group*, and, for a moment, the magazines had all been all under the aegis of Mondadori.

The second chapter, moreover, focuses on the main themes that the magazines of *L'Espresso Group* have emphasized strongly to oppose and attack Silvio Berlusconi. In particular, six arguments are presented and underlined: the claim that Berlusconi was trying to establish a new form of regime; the contrast between the press, which felt its freedom threatened, and *il Cavaliere's* media empire; the on-going battle between him and the magistracy; the many judicial proceedings he had to face and the allegations of *ad personam* laws; and finally, the issue of contrast of interests.

Finally, the third chapter concentrates on the blurring lines between the public sphere and the private sphere. To be sure, the section focuses particularly on the 2007-2011 period, when three different but correlated scandals hit *il Cavaliere*, and uncovered the deep intertwining among, indeed, the two domains of life. It was a moment, moreover, of great contrast between the parties, and a moment in which *la Repubblica* and *l'Espresso* fiercely and continuously probed and provoked Berlusconi, maintaining mostly that he had brought all of that was happening upon himself, and demanding truths that they were not finding in his statements.

CHAPTER ONE

THE SEGRATE WAR

1.1 The “Twenty Years’ War”: protagonists and beginnings

This first chapter aims to analyze the lengthy developments and unfolding of the infamous clash between Silvio Berlusconi and his “rival” entrepreneur, Carlo De Benedetti over the control of Mondadori. A confrontation that lasted even beyond the number of years cited in one of its nicknames due to the wave of judicial turnovers that pinpointed its phases; and a conflict that arose feelings, struggles for power, and dynamics that would be persistent in the years that followed.

There may be something to be said about nicknaming an economical-legal dispute with an epithet that recalls great and predominant conflicts that raged through Europe. If anything, this evoking, voluntary or not, may raise the question of what actually the so-called “Segrate War” was about and how deep was its impact on the political and economic system of Italy.

What is of easy recognition, nevertheless, is that the Segrate War had many different facets, many hidden implications, and a turmoil of consequences that amplify, in both scope and greatness, its nature.

On one side of the war, there was, as said, Carlo De Benedetti, *l’Ingegnere* (the engineer). He was recognized as one of the most successful and innovative Italian entrepreneurs who indeed, at the time of the events here told, had already been part of the top management of important companies such as Olivetti and FIAT, and who was currently major shareholder of CIR (Compagnie Industriali Riunite). He also had entered the editorial world through the acquisition of shares of *L’Espresso* and *La Repubblica*¹.

¹ Carlo De Benedetti, Argomenti del Sole, from Il Sole 24 Ore, <http://argomenti.ilsole24ore.com/carlo-de-benedetti.html>

On the other side of the conflict, stood Silvio Berlusconi, whose career as private television mogul and proficient businessman was rapidly skyrocketing, and who had already gained his honor as *Cavaliere del Lavoro*, nickname with which he would often be referred.

The Segrate War was not, however, the first time they met as adversaries; around that same time, in 1985, De Benedetti had begun the process of acquisition of *Società Meridionale di Elettricità* (SME), one of the main groups of the Italian food industry, from the public authority IRI (*Istituto per la Ricostruzione Industriale*) at the time directed by Romano Prodi. Silvio Berlusconi, under the pressure of then-Prime Minister Bettino Craxi, acted in order to create a network of opposition against *l'Ingegnere* and his intentions of buying SME².

This sequence of events, anyways, will not be examined here, as it falls outside the scope of this dissertation, and since, as stated, the voluntariness of Silvio Berlusconi in taking part in it was somehow coerced by his ties with Prime Minister Craxi. Rather, it is best to concentrate on the conflict that saw *l'Ingegnere* and *il Cavaliere* truly go head-to-head.

At the center of the dispute stood the already-mentioned publishing house Mondadori, founded in 1907 by the namesake Arnoldo Mondadori, which had quickly become one of the most important publishing houses both on the national and international level. Indeed, it owned, among others, the most-read Italian magazine, *Panorama*³, and in 1976 it had created, in collaboration with Gruppo Espresso, *La Repubblica*, which would go on to be one of the most important Italian newspaper and which stands at the center of both this dissertation and the conflict this first chapter is about. Therefore, this explains the origin where the nickname “Segrate War” comes from: indeed, Segrate is the municipality in the Milan area in which the Mondadori headquarters have been located since 1975.

Since the 1970's, the publishing house had been administered by Mario Formenton, who was Arnoldo Mondadori's son-in-law through his marriage to Cristina⁴. It was under his guidance, then, that the publishing house decided to enter the world of television, whose role was quickly growing in those years, by founding in 1981 the television channel *Retequattro*⁵.

This investment, nonetheless, proved itself unfruitful. In spite of the onerous amounts of money that were pooled towards the growth of the broadcasting station, *Retequattro* remained unpopular and unsuccessful; all of this went to the detriment of Mondadori, whose funds had been bled dry in order to sustain the television channel, which laid in a debt of around 120

² Guzzanti Paolo, De Benedetti Carlo, *Guzzanti vs De Benedetti. Faccia a faccia tra un grande editore e un giornalista scomodo*, Aliberti, Reggio Emilia, 2010, page 131.

³ *Ibidem*, page 143.

⁴ Mondadori Official Website, <http://www.mondadori.it/Il-Gruppo/Storia>

⁵ *Ibidem*

billion lire⁶. Mondadori itself was facing a total of 400 billion lire in debt and 240 billion in losses⁷.

This moment of crisis was one of the first defining occurrences for the Segrate War, one that helped in paving the way for the conflict to come. In 1984, sure enough, Mario Formenton realized that he could not sustain this condition on his own; therefore, he decided to engage the help of Carlo De Benedetti in order to solve the situation and place once again the corporation in a safe position. Together, they devised a strategy that envisaged selling *Retequattro*, hiring an auspicious manager, and raising the assets of the company by sixty billion lire. Their plan was successfully realized: Franco Tatò was hired as the proficient manager; the increase in capital was completed thanks to the creation, in 1985, of the financial holding Amef, which would take under its control the 51% of Mondadori's shares⁸.

The last dowel of the proposal, placing *Retequattro* on the market, is what is paramount in this case. The network, indeed, was acquired by Silvio Berlusconi, through his own flagship company Fininvest, much as he had already done two years earlier, when he had bought out another failing channel, *Italia Uno*, from its owner, the editor Rusconi⁹. In addition to these two new television canals, Berlusconi already owned his leading broadcasting station, *Canale 5*.

Thus began the entrance of *il Cavaliere* in the affairs of the publishing house. Once again in 1985, while Amef was being built, Leonardo Mondadori, nephew of Mario Formenton and grandson of Arnaldo Mondadori, proposed the entrance of Berlusconi also among the shareholders of the publishing house; Formenton, however, only allowed him to have half the percentage that was owned by De Benedetti¹⁰.

In 1987, Mario Formenton died; this led to disagreements among the family members, concerning what concerned the designation of Formenton's heir as president of Mondadori¹¹. One year later, Silvio Berlusconi's weight and relevance in the Mondadori world heightened once again through the help of Leonardo Mondadori, who sold him his own shares of Amef. The company thus was now divided among three major shareholders, the other two being De Benedetti's CIR and the Formenton family itself¹².

⁶ Billi Francesco (edited by), *Lodo Mondadori*, from *Cinquantamila Giorni. La storia raccontata da Giorgio Dell'Arti*, from Corriere della Sera.it,

<http://cinquantamila.corriere.it/storyTellerThread.php?threadId=LMDCronologiaDelLodoMondadori>

⁷ Pons G., *La guerra dei vent'anni tra mediazioni e tradimenti*, from «La Repubblica», July 10th 2011.

⁸ Ibidem.

⁹ Guzzanti P., De Benedetti C., *Guzzanti vs De Benedetti*, page 146.

¹⁰ Pons G., *La guerra dei vent'anni tra mediazioni e tradimenti*, from «La Repubblica», July 10th 2011

¹¹ Billi F. (edited by), *Lodo Mondadori*, from *Cinquantamila Giorni*, from Corriere della Sera.it

¹² Guzzanti P., De Benedetti C., *Guzzanti vs De Benedetti*, page 147.

However, around the same time, the Formenton family decided to sell their shares; the company, in spite of its greatness and dimensions, still had to find its way back out and far away from debt, to a strong position after the failures in entering the television sphere, and the Formenton's were not keen on facing it all¹³.

The year 1988, hence, became another turning point, if not *the* first turning point, of the Segrate War. Initially, the Formenton family decided that Carlo de Benedetti would be the man to whom they would sell their package of Amef stocks; they, in fact, formalized a written agreement that stated that the final and conclusive transaction to CIR would take place within January 30, 1991.

Once this settlement was put into place, in order to strengthen his position even more in the publishing house, a few months later *l'Ingegnere* persuaded Eugenio Scalfari (founder of *L'Espresso* and *La Repubblica*) and Carlo Caracciolo (president and CEO of *La Repubblica*'s editorial society), to sell to Mondadori their shares of *L'Espresso*. In this way, De Benedetti's "Great Mondadori" was born, made more powerful by the addition of these two important national magazines, which also brought along the local papers of the holding Finegil, which too belonged to *L'Espresso*¹⁴.

The pact that the Formenton and De Benedetti had agreed upon, to be sure, seemed to work perfectly well for the benefit of *l'Ingegnere*, who, theoretically, simply had to wait until the arranged date in order to be definitely the majority shareholder of Mondadori.

The adjective "theoretically", however, is not used here lightly; the "contract" made with the Formenton's, indeed, would be the cornerstone for all the following legal and judicial events that make up the Segrate War.

In November 1989, in fact, the Formenton family suddenly changed their mind: they wanted to sell their majority shares to Berlusconi, disregarding the agreement they had made with De Benedetti just a few months earlier. On January 25, 1990, *il Cavaliere* officially entered the Segrate headquarters as President.

He had moved from being in «the backseat of the car»¹⁵, the business partner with the smallest percentage of the company, to being the pilot of the whole aircraft, in possession of an immense domain of not only all the magazines previously cited (to which also add *Il Giornale* and the aforementioned *Panorama*), but also his three television channels.

¹³ Ibidem.

¹⁴ Ibidem.

¹⁵ Ibidem, cit. page 150.

Berlusconi was able to do so thanks to his «weapon of seduction»¹⁶. He relentlessly got interested in the «human side of the Formenton household», which instead De Benedetti was not worried about since he was resting assured on his written agreement, so that he could slowly gain the trust and friendship of, especially, Cristina and Luca Formenton (respectively daughter and grandson of the late Arnaldo, and widow and son of Mario)¹⁷. Leonardo Mondadori, on the other hand, as previously showed, had already lined up on Berlusconi's side.

The family seemed, therefore, once again united in their decisions, and above all somewhat “free” of the “encumbrance” that such a company could happen to be.

However, Carlo De Benedetti did not take this turnaround lightly, especially not after all that had been invested in “his” Great Mondadori; he insisted on the validity of his previous agreement with the Formenton's, and he wanted it to be, above all, respected.

A “Great Civil Lawsuit” for the Great Mondadori was launched; the Segrate War had officially begun¹⁸.

1.2 *Lodo Mondadori* and the 1988-1991 period

The legal battle for the property of Mondadori, it seems, was not meant to be easy. By mutual agreement, nonetheless, the litigant parties decided to refer to a board of arbitration, a so-called *lodo arbitrale*, composed by three members; it would have to decide whether the pact made between the Formenton's and De Benedetti was legal and valid, or rather if there had been no violation in the sale of the publishing house to Berlusconi.

Each one of the parties involved nominated a judge, while the third one was one named by the Court of Cassation. CIR chose Natalino Irti, the Formenton's elected Pietro Rescigno, while the Court of Cassation selected Carlo Maria Pratis as the president of the board¹⁹.

The decision of the three arbitrators, exactly the so-called *Lodo Mondadori*, was issued on June 20, 1990²⁰: it ruled in favor of CIR, declaring that the “infamous” deal was valid and effective.

Therefore, the shares of Mondadori had to back to *l'Ingegnere*, who was awarded the control on 50.3% of the ordinary capital, and the 79% of the preferred stocks²¹. Berlusconi, on the other

¹⁶ Ibidem, cit. page 148.

¹⁷ Ibidem, page 151.

¹⁸ Ibidem, page 152.

¹⁹ *Guerra di Segrate, alla ribalta vent'anni dopo*, from Corriere della Sera, November 19th 2012.

²⁰ Ibidem.

²¹ Ibidem.

hand, was forced to resign from his position as president; his executive staff resigned as well, and De Benedetti's management – namely, Carlo Caracciolo, Antonio Coppi, and Corrado Passera – substituted them²².

The peace, however, was not designed to last for long. In July, only a month later, in fact, the Formenton family, always with Berlusconi by their side, decided to impugn the arbitral decision before the Rome Court of Appeal; the first civil division undertook the case. It was presided by the judge Arnaldo Valente, and composed of the judges Giovanni Paolini, and Vittorio Metta²³.

The new judgement was announced seven months after the *Lodo Mondadori* had seen the “victory” of De Benedetti. On January 24, 1991, the judges' pronouncement overturned this previous decision: they concluded that, since parts of the 1988 agreement between De Benedetti and the Formenton's were not in compliance with the legislation on limited companies, the whole arrangement was to be considered invalid; therefore, the *lodo* that had to rule on it, was declared void and annulled²⁴. Mondadori was, consequently, to be transferred once again, this time back into the hands of Berlusconi.

Nevertheless, the war had just started, and its end was still far away. Not everyone, indeed, was happy with Mondadori's return to Berlusconi and his again newfound position as president. Aside from De Benedetti and his mostly economic reasons, more personal and political interests started playing a role in the war.

On the one hand, in fact, *il Cavaliere* had to face some resistance from the people who were now working for him. Many directors and employees of Mondadori's newspapers, especially from *La Repubblica* and *L'Espresso*, started protesting against the new management²⁵.

On the other hand, also the higher levels of the Italian political life started moving. In Rome, in fact, Prime Minister Giulio Andreotti was getting concerned about the growing power of Bettino Craxi (leader of the Italian Socialist Party – PSI and, as seen before, close friend and “ally” of Silvio Berlusconi), especially in the editorial field now that *il Cavaliere* had finally reconquered Mondadori²⁶.

Even so, Craxi, too, was not too satisfied with Berlusconi who «with a werewolf mouthful demanded to put in his belly even what certainly did not belong to him»²⁷.

²² Travaglio Marco, *Mondadori, storia di una sentenza comprata*, from «MicroMega online», July 5th 2011.

²³ *Guerra di Segrate, alla ribalta vent'anni dopo*, from «Corriere della Sera», November 19th 2012.

²⁴ Billi F. (edited by), *Lodo Mondadori*, from *Cinquantamila Giorni*, from Corriere della Sera.it.

²⁵ Travaglio M., *Mondadori, storia di una sentenza comprata*, from «MicroMega online», July 5th 2011.

²⁶ Ibidem.

²⁷ Guzzanti P., De Benedetti C., *Guzzanti vs De Benedetti*, cit. page 156 (translated by who writes).

Consequently, there arose the (political) need to find a balance in the extremely conflictual situation that was not being satisfied by the judicial decisions. An agreement, even an extrajudiciary one, had to be reached, and since the parties involved did not seem able to do so by themselves, the need for a mediator that could help find a common ground of discussion was becoming essential.

Indeed, Carlo Caracciolo suggested for this position Giuseppe Ciarrapico, an entrepreneur and editor who, in addition, had a close relationship with both Caracciolo and Andreotti²⁸. It was, then, thanks to his interposition that another solution was reached after much deliberation.

On April 30, 1991, the “Great Mondadori” was dismantled, in order for its pieces to be divided among its contenders. To be sure, De Benedetti received back the newspaper *La Repubblica*, the weekly magazine *L'Espresso*, and some of the local newspapers that were held by Finegil; on the other hand, Berlusconi's Fininvest kept the publishing house, the magazines *Panorama* and *Epoca*, plus 365 billion lire of balance compensation²⁹.

Nevertheless, it appeared that *il Cavaliere* was not gratified with the resolution of the events. He had felt coerced into accepting the new agreement that was being proposed, as if he had had «a gun pointed to his head»³⁰. Moreover, it had been only a mere three months since, after the pronouncement of the Court of Appeal in Rome, he had won over the control of his “enemy” newspaper, *La Repubblica*, (which had been already opposing him and it had always been, since its creation, on the anti-Craxi line); now, he had to watch slip away once again.

Nonetheless, the pact had entered into force; it seemed as if the war had been resolved by an *armistice* that satisfied, more or less, everybody, and that appeared to be also politically valuable.

This brand new peace, once again, was not meant to have a long and successful life. On the contrary, it seems that the conflict that followed was even more complicated, fiercer, and broader in scale of both protagonists and events involved, than the previous struggles. Only a battle, even if a major one, had been won; the war was simply waiting to start all over again.

1.3 The end of the millennium: new judicial discoveries

The calm before the storm lasted for nearly five years.

²⁸ Ibidem, page 154.

²⁹ Ibidem, page 156.

³⁰ Ibidem, cit. page 156.

The year 1995 did not appear to be a great moment for Silvio Berlusconi. Just the previous December, he had been forced to resign from his position as Prime Minister after his first government had failed to sustain a decisive majority, especially after the turnaround of Bossi's *Lega*. In November 1994, the prosecutor office (*procura* in Italian) in Milan had sent him an *invitation to appear* for the so-called "Telepiù inquiry"³¹, and *Il Corriere della Sera* had reported that news as a scoop, which had consequently reverberated with great emphasis at the international level³². Not even the beloved soccer was of any consolation, since in 1995 A.C. Milan, the team that Berlusconi owned and was president of, placed fourth in the Italian League and lost the Champions League against AFC Ajax.

What really set in motion, however, the subsequent turmoil that shook the peace of the now-dormant Segrate War, were the declarations that Stefania Ariosto started making in front of the public prosecution in Milan, in 1995.

Ms. Ariosto had been in close acquaintance with Silvio Berlusconi; most of all, she had been the girlfriend of Berlusconi's lawyer Vittorio Dotti, who had also been elected to the Chamber of Deputies with *il Cavaliere's* party Forza Italia (FI). She, therefore, was used to the mundane life that her group of friends in Milan could offer, and she was also used to spend vacations on the "Barbarossa", the boat of Cesare Previti³³ – him, too, one of Berlusconi's lawyer and later member of Forza Italia, with which he became first senator and then Minister of Defense.

Her life seemed to go on smoothly and in tranquility, until one day, a few police officers from the Italian Finance Police (*Guardia di Finanza*) reached out to her, demanding explanations for a suspicious check for 200 million lire. Ariosto explained that her partner Vittorio Dotti had given that money to her in order to pay for some furniture, since they were planning to go live together. What she did not know, however, was that the sum came from an illegal Mondadori payment (literally, *in nero*). The colonel of the Finance Police, who was interrogating her, accused her of taking *mazzette*, bribes, to which she replied, raging: «It is Previti who pays the bribes, to the judges of Rome, in order to win the lawsuits!»³⁴.

From that moment on, she became known as "Witness Omega", in order to protect her identity during the investigations that would follow for months. After her statements, in fact,

³¹ The inquiry was being conducted by the Prosecutor's Office in Milan. It regarded the property of a few pay-tvs, and the compatibility of Fininvest with the so-called Mammi Law, which had been approved in 1990 and regulated the field of radios, television, and the publishing industry. Article 15, in particular, meant to set some antitrust standards and forbade the property of a concession for broadcasting on a national level in case of possession of a publishing house for newspapers that covered more than 16% of the national newspaper circulation.

³² Costa Francesco, *Berlusconi e l'invito a comparire del 1994*, from «Il Post», October 20th 2010.

³³ Di Caro Roberto, *Stefania Ariosto: "Tutto cominciò sul Barbarossa."*, from «L'Espresso», July 14th 2011.

³⁴ *Ibidem*, cit. (translated by who writes).

the Prosecutor Office in Milan opened an inquiry, led by Ilda Boccassini and Gherardo Colombo, on the so-called “dirty robes” (*toghe sporche*) in Rome³⁵.

Witness Omega, indeed, had narrated, with details about the subjects and the locations involved, the dynamics of numerous dinner parties held at Previti’s house, to which many judges of the roman tribunals often participated; the atmosphere had always been very friendly. Moreover, she had declared that she had been a first-hand onlooker to instances of corruption by the hands of the former Minister of Defense³⁶.

The subsequent investigation, therefore, aimed at confirming her statements, and at uncovering trails of unknown money sent to foreign accounts, significantly during moments in which the Tribunal in Rome was called to rule on important decisions³⁷.

With these judicial enquiries, suddenly, among others, the events regarding the *Lodo Mondadori* came back to the surface. Stefania Ariosto herself had declared that, while on a summer trip in 1991 aboard of Previti’s boat *Barbarossa*, the topic of Mondadori had been constantly discussed, and the lawyer «had boasted that the Segrate war with De Benedetti had been won not by Dotti, but rather by [Previti] himself, who had “bought” the judges»³⁸.

The Prosecutor Office in Milan, indeed, discovered distrustful movements of money from Fininvest’s foreign accounts into the books of Previti’s group of lawyers. To be sure, what was brought forward by the investigations was that, less than a month after the overturn of the *Lodo Mondadori*, on February 14, 1991, from the account of All Iberian (which was an offshore society that referred to Fininvest), almost three billion lire were wired to Previti’s “Mercier” account. From this account, on the 26th, there was a transfer of 1.5 billion to the “Careliza Trade” account of Giovanni Acampora, another Fininvest lawyer. Acampora, on October 1st, wired 425 million lire back to Previti, who then moved them in two separate payments (one on October 11, the other on the 16th) to the “Pavoncella” account of lawyer Attilio Pacifico. Finally, Pacifico withdrew 400 million in cash in order to give them to someone who the prosecutors identified as Vittorio Metta, the judge who had been the writer of the judgement that had overturned the *Lodo Mondadori*, assigning the publishing house back to Berlusconi³⁹. The timing of that verdict as well was object of scrutiny and wonder. Judge Metta, it appeared in fact from the records of the Court of Appeal, had registered his motivation, composed by 168 pages, only a couple of days after the council chamber had reunited – an unusual celerity from

³⁵ Randacio Emilio, *Dal Teste Omega alla Cassazione. Il lungo braccio di ferro di Cesarone*, from «La Repubblica», August 1st 2007.

³⁶ Ibidem.

³⁷ Ibidem.

³⁸ Di Caro R., *Stefania Ariosto: “Tutto cominciò sul Barbarossa.”*, cit. from «L’Espresso», July 14th 2011.

³⁹ Travaglio M., *Mondadori, storia di una sentenza comprata*, from «MicroMega online», July 5th 2011.

any judge, but especially on his part, since it usually took him around two or three months to complete even shorter judgments. There arose the doubt, therefore, that that verdict had been already arranged before there was an official decision of the Court⁴⁰.

Stefania Ariosto's testimony, once again, had had relevance. She, indeed, had identified judge Metta, along with judge Arnaldo Valente (who as seen before had presided the First Civil Division), as one of the regular acquaintances of Previti's. Moreover, it had appeared that judge Metta, in the months that followed this payment, had bought a new BMW car, and bought and refurbished a new apartment for his daughter, paying everything in cash (he would, later on during the trial, defend himself by stating that that money had been an inheritance). Additionally, he subsequently chose to leave his position as judge to become a lawyer, and started collaborating with Previti's firm⁴¹.

In the light of all these findings, the Public Prosecutors in Milan decided to enroll, on October 2nd, 1997, Silvio Berlusconi, Cesare Previti and Attilio Pacifico, along with Renato Squillante (former Head of the so-called *judges for the preliminary investigations* – GIP in Rome) in the list of people under investigation for «corruption in judicial acts»⁴².

The news of the official involvement of Berlusconi, and therefore the suspects on the legitimacy of the Mondadori sentence, became of public knowledge in May 1998. *La Repubblica* described this newsflash as a «lightning bolt at six p.m. on a sleepy Friday», but it was also reported how one of the collaborators of the other “combatant” in the war, De Benedetti, had suggested «to go re-read *l'Ingegnere*'s declarations of the past September, when he had answered “I would not be surprised” to whom hypothesized a re-opening of the case by the *pool*». De Benedetti, himself, had decided to reply to the news with a simple *no comment*⁴³. It was clear, nonetheless, that this was going to open a brand new chapter in the Segrate War, and one that was not going to be resolvable in a short amount of time.

The following year, in 1999, the group of Public Prosecutors decided for the indictment of Berlusconi, Previti, Pacifico, Metta and Acampora.

Just as 1994 had not concluded too well, and rather it had been the beginning of a new “phase” of the ever-developing Segrate War, it appeared that the same could be said for 1999. Once again, the battle proved itself even more complicated than what it may had started as.

⁴⁰ Ibidem.

⁴¹ Ibidem.

⁴² Fazzo Luca, *Mondadori, indagato Berlusconi*, from «La Repubblica», May 9th 1998.

⁴³ Ibidem.

1.4 The new millennium and the long travail of judicial trials

The developments after the findings of the Public Prosecution in Milan, and especially for what concerned the Mondadori judgement, began right at the start of the New Year.

On the 28 of February 2000, in fact, the preliminary judicial hearing about the now-infamous Mondadori verdict commenced before the *judge for preliminary hearing* (GUP) Rosario Lupo, who also admitted the decision of both Carlo De Benedetti and the Premiership to bring in a civil action in the criminal proceedings.

Four months later, on the 19 of June 2000, Judge Lupo acquitted the accusations of corruption to the all of the indicted. The Judge, in fact, ruled that the *fact did not subsist*, the structure of the charges could not hold.

The verdict was met with surprise on both sides. The Public Prosecution, on the one hand, was caught off-guard by the decision, and apparently, left speechless at the unplanned stop of the trial. On the other hand, Berlusconi himself was, according to his entourage, extremely amazed by the «hammer blow to the Milan investigations», after having spent «days of deep concern»⁴⁴.

However, his delight could not last too long. The Public Prosecution impugned the sentence almost right away before the Court of Appeal in Milan, whose Fifth Division in June 2001 accepted the plea and committed the accused to trial – all of them, apart for Berlusconi. For the newly elected Premier, indeed, the Judges considered the crime of *simple corruption* that, thanks to the general extenuating circumstances, was lapsed, since the facts dated back to 1991 and the statutory limitation begins after seven and a half years⁴⁵.

Il Cavaliere, nonetheless, filed an appeal to the Court of Cassation in order to be completely absolved from the accusations. The Court, however, confirmed the acquittal, not the absolution, and confirmed the crime of simple corruption with the extenuating circumstances, affirmed in light of the «current conditions of the personal and social life, whose objective significance in itself justifies the application of the general [extenuating] »⁴⁶.

In the meanwhile, the trial for Previti, Metta, Acampora and Pacifico began on the 4th of October 2001, before the Fourth Division of the Milan Tribunal. A few months later, on the

⁴⁴ Marroni Stefano, *Mi hanno coperto di fango e non avevano nulla in mano*, from «La Repubblica», June 20th 2000.

⁴⁵ From «La Repubblica», *Mondadori, Berlusconi prescritto, a giudizio Previti e gli altri*, June 25th 2001.

⁴⁶ Mensurati Marco, *Lodo Mondadori, è prescrizione*, from «La Repubblica», November 18th 2001.

28th of January 2002, the trial for *Lodo Mondadori* was connected with the one for the IMI-SIR⁴⁷ events, which saw the indicted once again involved.

On April 29, 2003, the first-grade verdict was emitted. Metta was sentenced thirteen years, Previti and Pacifico eleven years, Acampora five years and six months⁴⁸. A year and a half later, there would begin the second-grade trials at the Court of Appeal.

Meanwhile, in 2004, a civil proceeding, always held in Milan, was born by demand of De Benedetti's CIR. They wanted, indeed, to have quantified the economic damage they suffered from the loss of Mondadori. The process, therefore, did not directly regard the bribes that were being judged by the judiciary branch, but rather their economic consequences on CIR.

On May 23rd, 2005, however, the Second Division of the Court of Appeal reversed the previous judgements: while the indicted were convicted for the IMI-SIR events, they were all absolved for the Mondadori sentence. Once again, the motivation of the court were that the *fact did not subsist*⁴⁹.

The Attorney General's Office in Milan and CIR (that again was acting as the *parte civile*, bringing in a civil action during the criminal proceeding), petitioned to the Supreme Court of Cassation against this decision of the Appellate. On May 4, 2006, the highest court of last resort annulled the Court of Appeal's sentence of absolution and instructed for a new second-degree trial for *Lodo Mondadori* in the Appellate Court.

This new proceeding started in December 2006 before the Third Division of the Milan Court of Appeal. Only two months afterwards, on February 23, 2007, the Court declared that Previti, Acampora and Pacifico were sentenced to one year and six months, Metta to two years and nine months; this condemn would be added to the previous ones they had received for the IMI-SIR case.

The judges of the Appellate Court, in their motivations, wrote that «the Mondadori verdict was written before the council chamber, [...] typewritten at [the location of] a third unknown party, and outside the institutional settings, [...] so much that during the trial there emerged “copies different from the original”»⁵⁰.

⁴⁷ According to the public prosecution, Previti had helped in “buying” a verdict in favor of the Rovelli family, which owned the chemical group SIR and had accused the *Istituto Mobiliare Italiano* of being responsible for the failure of their company after denying it financial help. Once they faced in long and troubled trials, IMI lost because it was considered accountable for not having respected the agreed financial commitments – this was the incriminated verdict.

⁴⁸ From «Corriere della Sera», *Lodo Mondadori, le tappe della vicenda*, September 17 2013.

⁴⁹ Ibidem

⁵⁰ Travaglio M., *Mondadori, storia di una sentenza comprata*, from «MicroMega online», July 5th 2011 (cit. translated by who writes).

Moreover, the judgement declared that Berlusconi had had «full awareness that the [Lodo Mondadori] ruling had been subject of illicit trade» since the «nefarious episode had happened inside the “Segrate War”», and defined him as the «private corruptor»⁵¹.

Additionally, the three indicted, Pacifico, Acampora and Previti, had contributed to the crime of the “private corruptor” himself, not to Judge Metta’s crime, because they had acted as intermediaries between the two; however, they could not be granted the general extenuating circumstances, since «there could be not recognized any positive element to attenuate the sanctioning treatment», especially in light of «the seriousness of the crime and of the damage caused not only to justice, but to the whole community»⁵².

Lastly, the sentence once again confirmed the duty for the convicted to compensate De Benedetti and CIR for the patrimonial damage that arose from both the costs of transferring Mondadori and its reflections on the stock market.

Finally, on July 13, 2007, the Second Penal Division of Supreme Court of Cassation confirmed completely the verdict of second-degree court; the accused were ultimately condemned for *judiciary corruption*, in accordance to article 319 *ter* of the Penal Code. Being the Supreme Court of Cassation the last and highest degree of judicial decision in Italy, its ruling crystalized and sealed once again (and for all) what the Public Prosecution of Milan had brought forward during its investigations back in 1995, now almost twelve years prior, along with Stefania Ariosto’s revelations.

The 1991 judgement, issued by Judge Vittorio Metta, that declared the *Lodo Mondadori* void and declared the propriety of the publishing house Mondadori to Silvio Berlusconi, had been illegally “bought” with 400 million lire originating from Fininvest’s foreign accounts, managed and organized by the lawyers of Previti’s firm. The Court of Cassation, too, did not admit extenuating circumstances, referring once again to the «seriousness of the crime and related damage, the intensity of the fraud, the motives for offending and the processual behaviors characterized by mendaciousness»⁵³.

About this last note of the Court, it evidenced the deceptions told by the indicted during the Milan trials, from Previti’s defense that the money that had appeared on his accounts were simple bills (even though at the time he did not pursue any cases which could justify them), to the already-mentioned heredity that Metta used to justify the money, which once again could not match what had really happened. Moreover, they had claimed to have met only in 1994, while phone calls between the two had appeared already two years before. Lastly, once again,

⁵¹ Ibidem.

⁵² Ibidem.

⁵³ Ibidem.

as it had been paramount for arising doubts during the investigations, also the “incredible” timing of the registration of the verdict on *Lodo Mondadori* by Metta was among the decisive points.

After this final and conclusive decision, De Benedetti and CIR asked for a billion euros as compensation.

The other side of this “arm wrestling”, therefore, that was the civil proceeding for the reimbursement that had been opened, as said above, in 2004, was still going on, now reinforced by the Supreme Court of Cassation ultimate declaration. This last straw of the Segrate War, however, just like the rest of the conflict, could not be an easy battle.

In 2009, on October 3rd, the civil Judge Raimondo Mesiano, at the Milan Tribunal, decreed that Fininvest must indemnify CIR almost 750 million euros. In his 140 pages of motivation, indeed, the Judge wrote that «*incidenter tantum* and for the sole civil-law purposes of the present judgment, Silvio Berlusconi is jointly responsible of the corruptive events for which this proceeds». From this, therefore, arose as a «logical consequence the responsibility of Fininvest itself, according to the principle of civil responsibility of limited companies for the illicit act of their legal representative or administrator, committed in the managerial activity of the company itself». The company, therefore, had to compensate for a «damage of lost chance», that is «given that nobody knows how an uncorrupted court would have decided, it is certainly true that Judge Metta’s corruption deprived CIR of the chance to obtain from that court a positive decision»⁵⁴.

Perhaps the saying “*all is fair in love and war*” was being upheld at this point of this now long-overdue war; to be sure, a few days after his pronouncements (which, it can be inferred, surely had been resonant with strong and decisive wording), Judge Mesiano (who had just been promoted to the Superior Council of Magistracy) was the protagonist of a “curious” televised report that aired on the program *Mattino 5*, which broadcasted on Fininvest’s channel *Canale 5*. The video, it seemed, aimed at somewhat ridiculing the Judge, who was followed without his knowledge and filmed on his daily routine as he smoked a cigarette and went to the barber, while a voice-over pinpointed “bizarre behaviors” and his bright blue socks, which were not considered appropriate for the ambient of the court. Whatever the real reasons behind the video were, nonetheless, the report did not fail in raising much controversy because of its unclear and

⁵⁴ From «La Repubblica», *Lodo Mondadori: "Berlusconi corresponsabile, Vertici Fininvest non potevano non sapere"*, October 5th 2009, (cit. translated by who writes).

derision-worth nature. Especially the *National Association of Magistrates* was particularly indignant to the video, and reported it to the Italian Data Protection Authority⁵⁵.

Nonetheless, Judge Mesiano's judgement and calculation of Fininvest's reimburse to CIR were not definite. Fininvest, when the sentence had been emitted, had been granted to deposit a suretyship of around 806 million euros, while they waited for the verdict of the Court of Appeal in Milan.

In 2010, in fact, the Appellate Court observed that the judge had not consulted with a technical advisor before delivering his ruling. Therefore, a consultant commission of three expert members was created in order to issue an evaluation, and, if that was the case, to revise the verdict.

The advisors, indeed, highlighted a mistake in the calculations of the sum. On July 9, 2011, the Court of Appeal consequently stated that Fininvest had to pay CIR a lowered sum of about 564 million euros. The verdict was to be enforced right away, therefore this time Fininvest deposited the amount on CIR's account immediately. Silvio Berlusconi would comment, about this last judgement, that it had been «the robbery not of the century, but of the millennium»; De Benedetti, on the other hand, would retort that «His [Berlusconi's] then has been the corruption of the millennium»⁵⁶.

Fininvest, almost predictably, did not desist even after this second-degree confirmation of its obligation of reimbursement. It decided to petition first, in October 2011, the Minister of Justice and the Attorney General at the Supreme Court of Cassation, trying to explicate how the reimbursement could not have judicial validity, because of a wrongful interpretation by the Court of Appeal of a principle of the Supreme Court of Cassation that had been cited in the verdict⁵⁷.

Subsequently, in November, Fininvest appealed also directly the Court of Cassation, presenting fifteen reasons that should have dismantled the Appellate verdict. In the meanwhile, the money that Fininvest had given to CIR was “frozen”, pending the Supreme Court's judgment.

The latter arrived on September 17, 2013. The third degree Court once again stated that Fininvest was responsible for paying back the compensation to De Benedetti's CIR, but the exact amount was lowered one more time by about 70 million euros (with interests included),

⁵⁵ Randacio Emilio, *E Canale 5 "pedina" il giudice Mesiano, "Stravaganti i suoi comportamenti"*, from «La Repubblica», October 16th 2009.

⁵⁶ *Guerra di Segrate, alla ribalta vent'anni dopo*, from «Corriere della Sera», November 19th 2012.

⁵⁷ *Scheda: La vicenda del Lodo Mondadori*, from «La Repubblica», June 27th 2013.

which CIR had to take out of the frozen sum Fininvest had deposited back in 2011, and return. The total amount of the compensation, therefore, amounted in the end to 494 million euros.

The Court of Cassation, in order to explain the scope of the damage endured by CIR, noted that Metta's corruption deprived De Benedetti's company of «not so much of the chance of a favorable verdict, but, certainly, of a favorable verdict itself, meaning that, without Metta corrupted, the impugnation of the *Lodo* would have been rejected»⁵⁸.

L'Ingegnere, on his part, commented that he acknowledged «with satisfaction that after more than twenty years it is definitely clarified the seriousness of the mugging» and that, since all the compensation money would go directly to CIR (which he had just left under the control of his sons), he was left with «the great bitterness of having been impeded, through corruption, to develop that great editorial group [he] had designed»⁵⁹.

It was his side, however, which this time decided not to seal as completed the last moments of the Segrate War. In December of the same year, in fact, as a consequence of the Court of Cassation verdict, CIR revealed that they had started another civil proceeding, once again in Milan, to ask for a compensation of the non-patrimonial damage that CIR had been subjected to, always because of the corrupted *Lodo Mondadori* sentence.

Initially, they quantified the damage as rounding 32 million euros. However, the first-degree Tribunal in Milan, on July 15th, 2015, declared that Fininvest had to pay only 246 thousands euros of non-patrimonial damages. The Judge Nadia dell'Arciprete, indeed, only recognized CIR the non-patrimonial damage «from injury of the constitutionally guaranteed right to a judgement given by an impartial judge». The damages deriving from «negative repercussions on the image, lesions of honor and reputation, or presumed fall of the stock actions», on the other hand, were not affirmed. CIR, predictably, announced their intentions of filing an appeal to the second-degree court, considering the sum granted inadequate⁶⁰.

At this time, however, there have been no more developments in the Segrate War. This lengthy, apparently never-ending “arm wrestling” seems, if not concluded, at least once again dormant, in wait of a new reason to erupt once again.

It had been, it can be inferred, a battle with no holds barred. It spanned over the course of about twenty-six years, and its resonance imprinted an indelible stain on the Italian political and economic life, which still nowadays demonstrates its effects. It does not appear as a coincidence, in fact, that among the main protagonist of this battle stood the newspaper that still

⁵⁸ *Mondadori, respinto il ricorso Fininvest. La Cir sarà risarcita per circa 500 milioni*, from «La Repubblica», September 17th 2013.

⁵⁹ *Ibidem*.

⁶⁰ *Lodo Mondadori, a Cir danni "non patrimoniali" per 246mila euro*, from «La Repubblica», July 10th, 2015.

now is one of the main antagonists of Silvio Berlusconi. Overall, the reverberation that the events of the Segrate War had on *La Repubblica*, and the magazines to it connected, may have not only paved its way at the beginning, but also sustained through the years the opposition that L'Espresso Group has shown towards *Il Cavaliere*. That is, because it may be inferred that one of the ends of the conflict was indeed the control of the “anti-craxian”, “anti-berlusconian”, not-so-secretly left-wing newspaper, which, as seen, had no intentions of being subjected.

Moreover, the Segrate War was revealing of how intertwined Italian politics, business, and mass media were already, how the bond between them and power, of any type, was stronger than it could have been imagined before its unfolding.

It is worth wondering, however, in light of all that has been discussed in this chapter, if there could ever be the possibility of actually sealing the Segrate War with the word “end”. Rather, it is indeed very likely that the end will come in its judicial form when all of the available degrees of justice will have been exhausted for good; on the other hand, however, its “political”, economical, and in some ways “personal” aspects may always influence the Italian scenery, and find a way their way back to the surface, just like any other “historical” war can.

CHAPTER TWO

THE WAR ON PAPER

2.1 Introduction

If the Segrate War had demonstrated the strong intertwining of economy, politics, and power, its consequences did not stop simply when the last judicial proceedings were over; on the contrary, they possibly unfolded and revealed themselves much more than what a “simple” dispute about mainly economic matters could believe.

Surely, the editorial group *L'Espresso*, and especially its flagship newspaper *la Repubblica*, have not kept their opposition to *il Cavaliere* a secret. If anything, it could be alleged that between Silvio Berlusconi and the magazines belonging to *L'Espresso Group*, the war had never completely stopped – whether it was a smaller battle still among the conflict for the property of Mondadori, or whether it amplified and rose by itself as a bigger and more including *melee*, the on-going struggle between the two has surely being in the limelight of Italian politics since its beginning. This time, however, rather than being fought in court, the battle took place on the printed pages of newspapers and magazines.

This chapter aims at analyzing the different accusations that publications such as *la Repubblica*, *MicroMega*, and *L'Espresso* itself moved against the leader of *Forza Italia*. To be sure, these denunciations were not always exclusive of the above-mentioned editorial group; sometimes, some of them found wide support from other magazines and newspapers, or also more left-leaning public personalities. What could be said, nonetheless, is that throughout the years, *L'Espresso Group* and particularly *la Repubblica* have carried on a strong campaign of antagonism to Silvio Berlusconi and those who surrounded him, so much that the recurrent Premier would often complain of real “attacks” pursued by the newspaper.

It has to be reminded that, since its creation in 1976, *la Repubblica* has always aligned itself to positions close to the left-wing spectrum of the Italian politics. This political orientation,

however, does not signify that the magazine is a “newspaper of a party”; Scalfari himself has stated that *la Repubblica* has always fought for her cultural and political ideas drawing nearer to parties that shared those thoughts, but without claiming one or the other to be *her* party. The paper rather has always had, in the words of her director Ezio Mauro, the goal of completing the «challenge of betting on the change of [Italy] towards Europe, towards democratization, the full deployment of rights». The left, therefore, was seen as a «fundamental actor in the challenge because it combines merit, opportunities, and equality»⁶¹.

Indeed, the “battle” against Berlusconi seems to have been driven by the belief that he did not embody nor share the same belief as *la Repubblica*, and the publishing house around it. It has often and willingly opposed *il Cavaliere*, but not in name of simply an ideology; rather, «because of the conviction that this Italian right», personified indeed by Berlusconi, «represents an anomaly in the western democracies for the conflict of interests, the monopoly of the television *agora*, the *ad personam* laws that overturn the rule of law, its populist culture»⁶².

These are, therefore, mainly the topics that will be analyzed in this chapter. Indeed, it could be said that Silvio Berlusconi and his political career were seen as a sort of “threat” for the political system, an attempt at subverting the democratic institutions in name of a stronger personal power to which these magazines fiercely opposed, strong of their autonomy and their cultural goal.

2.2 The *Duce* archetype

The first ample accusation that has been moved against Silvio Berlusconi and which possibly encompasses and is related to many of the other complaints, takes the form of a comparison between him and Italy’s dictator Benito Mussolini. To be sure, many of Berlusconi’s antagonists have referred to his years in government as remindful of the Fascist rule, and the word “*regime*” to indicate both has been frequently used.

As said before, the *fascist* claim may be seen as a “macro-area” from which other indictments may arise, and has surely not been only a prerogative of *la Repubblica* and its companions; however, they have not been strangers to this kind of objection either.

It is important to note, however, that many journalists, columnists, editors, and so on, have frequently stated that it had not been their intention to fulfill such a simplistic comparison that cannot stand, as the phenomenon of *berlusconism* and the events of fascism cannot be

⁶¹ Fiori Simonetta, *Repubblica, dialogo Scalfari-Mauro: “Il giornalismo secondo noi”*, January 14th 2016.

⁶² Mauro Ezio, *Repubblica, il diavolo e l’acqua santa*, from «La Repubblica», August 3rd 2005.

completely likened or assimilated. Nonetheless, the evaluation still arises, if not between the lines, in associations, slight suggestions, metaphors, and in full articles that do not keep as a secret their attempt at confronting the two. What it may be said, therefore, is that one of the attempts at discrediting *il Cavaliere*, there is the temptation to find (even hazardous) references to one of the darkest periods of Italian history.

There can be identified two main reasons why the critiques are shaped in such a way.

The first reason refers to the fact that Silvio Berlusconi, particularly at the beginning of his political career, has gathered as allies a few parties that may be found remindful of the dictatorial period. Their conjunction could be assessed because these parties either had some kind of historical and traditional connections with the Fascist Party – such as Gianfranco Fini’s *Alleanza Nazionale* (AN), “daughter” of the party *Movimento Sociale Italiano*, which had been founded in 1946 by supporters of the Italian Social Republic (the so-called Republic of Salò, last *citadel* of the dictatorship) and would dissolve in 1995 merging, indeed, with AN – or because they held xenophobic values that could be considered quasi-fascist, such as the ones held by Umberto Bossi’s *Lega Nord*⁶³.

Concerns, and opposition, arose especially after the birth of the alliance with AN, and they found resonance at the European level, too. The 1994 political elections, indeed, in which for the first time Berlusconi became Prime Minister after the victory of his center-right coalitions that included AN (*Polo delle Libertà* and *Polo del Buon Governo*), also sealed the first time since 1945 in which a party of fascist roots could once again have the access to Parliament. Therefore, this “anomaly” created «nervousness» among other European countries and, even though the democratic nature of *Alleanza Nazionale* was certain and its program could be appealing, this «nervousness existed, [was] concrete, visible» because «it could not be ignored that [the party was] nonetheless a bequest»⁶⁴ of the Republic of Salò.

Consequently, it could be inferred that, right from the beginning of his political career, a shadow of “doubt” has been casted over Berlusconi and his intents, in light of the affiliations of his party in order to create a stronger center-right majority.

The second argument to persist Berlusconi’s somewhat “resemblance” to Benito Mussolini is, however, the most debated and amplest one, and provides that *il Cavaliere* is some kind of embodiment of a new form of dictatorship, which aims at authoritarianism with more modern methods. Those who support this argument, indeed, point out once again what will be explored more throughout the chapter; that is, the ways in which the new “regime” would be built up, such as the “threat” to the freedom of speech and of the press represented by Berlusconi’s

⁶³ Orsina Giovanni, *Antifascism, anticommunism, antipolitics: delegitimation in Berlusconi’s Italy*.

⁶⁴ Scalfari Eugenio, *Una corona con sei spine*, from «La Repubblica», May 11th 1994.

control over TV channels and publications, or his quarrels with the judicial branch and his will to reform it. This is, moreover, the reason why it was stated in the beginning of the chapter that the idea of Berlusconi as a new, impending creator of a new fascism might be the frame that nestles all the other accusations against him. Moreover, this last broad “hypothesis” is possibly the one most brought forward by the editorials and articles of *L’Espresso Group*.

In fact, as said before, these antiberlusconian publications have been quite vocal about this aforementioned comparison; there are many, maybe countless articles and opinions on the Berlusconi phenomenon that are oriented to such a critique of a newfound *regime*. They reiterate, however, that Berlusconi *is not* the reincarnation of Mussolini; nonetheless, in their view, «of fascism, berlusconism is the functional and postmodern equivalent, founded on the “legalization” of privilege and on the domain of the image»⁶⁵.

This is, indeed, the thesis presented by Paolo Flores d’Arcais, director of *MicroMega* and journalist for *la Repubblica*. In his essay entitled, no less, “*Fascism and berlusconism*”, published on *MicroMega* in 2011, he describes all the “qualities” that align and inflect berlusconism as this proposed new form of dictatorship.

Flores d’Arcais explicates how there could be no distinction from violence and fascism, or how there was almost no distinction between the private life of a person and the regime, which aimed at completely shaping the people into new, fascist citizens through the indoctrination at schools and “free-time” activities, going so far as to, for example, establishing even a spying system *à la* Big Brother, with trusted people acting as “house-monitors”, so that to be sure that everything and everyone were absolutely integrated in the regime.

Subsequently, he explains how there have been no such things in berlusconism; violence has not been used to gain consensus, nor the other opposition parties have been forcefully dissolved, and equally the media are diversified and different, and so on. «A simply formal description of its institutions» he says, «betrays nothing that differentiates Italy under Berlusconi from the international standard of a liberal democracy».

However, he goes on by stating that formal descriptions may not reflect completely the reality of the actual situation, but that they can actually be deceiving and distort from the “material constitution” in place.

Therefore, here the “fresh”, berlusconian regime takes its shape. It is delineated by the only-apparent freedom of the media, by the attempts of changing the role of the judiciary branch and its independence, and the attacks against it, by the *ad-personam* laws, by the *hybris* celebrated through «corruption and falsehood».

⁶⁵ Flores d’Arcais Paolo, *Fascismo e berlusconismo*, from «MicroMega» 1/2011.

Berlusconi, moreover, is accused of having created a newfound Big Brother, both the one predicted and narrated by George Orwell, and the reality show of the same name. That is, the former is realized through the television “empire” created by *il Cavaliere*, which has indeed given birth to the Orwellian “newspeak” and twists words and sentences so that they are simplified, they become more vague and can mean one thing, or its exact opposite, depending on their immediate use and need. The “keywords” are clear and limpid in their opposition, *friends* against *enemies*, and *liberals* against *communists*.

In addition, he also wants to imitate the «appalling demands of the “Minister of Love”»; his party, indeed, is “the party of love”, counterpoised to those who oppose him (and, in particular, those who support the center-left, and the judicial branch – as above, sometimes all included in the *communist* group). This «Manichean invention» has helped him create a «tidal wave of fanaticism» that unravels using cheering, for example, songs, and slogans such as his catchphrase “*Thank goodness there’s Silvio!*”⁶⁶

What is taken from the latter, on the other hand, that is the reality-show Big Brother, is indeed the mechanism of transforming illusion into a reality that is just following the *dreams* that the regime establishes.

All of this, according to Flores d’Arcais, destroys any residue of logical reasoning in the political debate, simply because logic and reason do not matter anymore; what, on the other hand, becomes important are the «capacity to howl interrupting an opponent, histrionics, shamelessness in lying, the arrogance of a “good-looking presence” and of the vulgarity of an insult landed at the right moment»⁶⁷.

What follows, therefore, is the depletion of the liberal-democratic constitutions, whose principles of balance of power, of legitimacy controls, and so on, are replaced by «the despotic will of who, electoral majority obtained, is therefore “Anointed of the Lord”», after a Jacobin belief that majority allows for everything⁶⁸.

This is how, consequently, the post-modern form fascism that Berlusconi has established, comes to be; the basic democratic rules are still in place, and it is the majority, indeed, who elects its charismatic leader. The State, and democracy itself, however, are then interpreted as companies of which *il Cavaliere* is the owner, who acts with a «tycoon mentality» for which «the division of power, limited government, the insurmountable constitutional limits prove really incomprehensible and unreasonable»⁶⁹.

⁶⁶ Ibidem.

⁶⁷ Ibidem.

⁶⁸ Ibidem.

⁶⁹ Ibidem.

The inaptitude at the position of power of a businessperson, especially at such a successful level of managerial career, has also been questioned, one time even by one of Berlusconi's fiercest business adversaries, the same man who was protagonist of the Segrate War discussed in the previous chapter. Carlo De Benedetti, in fact, has stated that every industrialist, therefore himself included, is an autocrat who cannot be democratic, because he has the need to be administering "dictatorially" his own industry. Hence, it follows that, given this "state of mind" and such a prospected deficiency of democratic nature, it should be wiser for an entrepreneur not to govern, so that he does not fall into the "trap" of dictatorship in public matters, as he is bound to be doing in his own company⁷⁰. Trap that, nevertheless, is so fiercely accused by Berlusconi's antagonists, which see it so evidently realizing under his government.

The word *regime* itself, so far repeated quite often, therefore comes to be examined from another perspective, with particular attention to semantics and "modern" meanings. If the word *regime* is understood as referring only and exclusively to the Fascist/Nazi state, then there is no such thing under Berlusconi's government. On the other hand, new characteristics, it can be reiterated, add up to create a new form of regime, and that is the one established by Berlusconi: the one of excessive power of money, of the «media dominion and relative witchcraft; "culture of business" [...]; ambiguous laissez-faire (liberal until it is convenient, the Only One will never give up the privileges acquired with political support)»⁷¹.

This happens because history is not cyclical; there cannot be once again the "old", "historical" form of regime or *the* regime as in the fascist per se, but rather there are "new" conjugations of it, a new way in which «the human animals unleash differently the same impulses»⁷² that have and will continue to plague them.

This new regime, undoubtedly, has not been and will not be as cruel and devastating as its historical "predecessor" was, but at the same time, it can be interpreted as more cunning and deceptive because of it does not actually present itself as a menace, with its «smiling, giggling face»⁷³ that evokes the aforementioned "Party of Love". The situation it has brought forward, *the berlusconian Italy*, moreover, has been declared as even worse than the violent Italian situation during salient episodes of the fascist period, such as the March on Rome, because «the vulgarity and wretchedness» of berlusconian Italy has been seen as unprecedented, while «berlusconism is really the scum tat climbs up the well»⁷⁴. Additionally, especially after his

⁷⁰ Guzzanti P., De Benedetti C., *Guzzanti vs De Benedetti*, page 310.

⁷¹ Cordero Franco, *Quando si può parlare di regime*, from «La Repubblica», April 3rd 2002. (translated by who writes).

⁷² Ibidem.

⁷³ Gomez Peter, Travaglio Marco, *Regime*, BUR, Milan, 2004, page IX.

⁷⁴ Laurenzi Laura, *Montanelli: "L'Italia di Berlusconi è la peggiore mai vista"*, from «La Repubblica», March 26th 2001.

recurrence as Prime Minister (sometimes, as well with the amazement of those who opposed him), Berlusconi is described as even stronger than Mussolini himself, since *il Duce* was not able to reach as much the «collective bowels» of its population, while *il Cavaliere* is «extremely skillful in catching and using the worst human aspects, and is the only demiurge in the history of Italy»⁷⁵.

One time, even, a comparison with no less than Hitler was dared, «as if there were no analogies between two different figures: Hitler was a psychotic-lucid ideologist; [...] Silvio Berlusconi, quipster pirate, provides for television opium, having a finger in the pie of the most various affairs; his SS are greedy parasites in shirt, tie, cosmetic cures. However, there are common sides: neither one has the slightest respect for the public; they use it, *corpus vile*; and thank Heavens if in the enchanter's gimmicks Emilio Fede or Augusto Minzolin have less weight than Dr. Joseph Goebbels, *philosophiae doctor*»⁷⁶.

Therefore, all these conceptions of berlusconism (which do not exhaust all that has been said and declared by its journalistic opposition) seem to suggest that the phenomenon itself has to be somewhat feared and contrasted because it puts itself in a position of antagonism against the democratic institutions; and it does do so not in the same way as Mussolini's fascism did, but through its “anomaly”, through these new, “post-modern” and post-ideological characteristics that remind of a new, “Jacobin”, media-focused and populist regime, which in some ways could be even more treacherous and untrustworthy.

2.3 Freedom of the press vs. Media Empire

It can be inferred that all that was stated in the previous paragraph may be seen as one of the reasons of the strong reactions against *Il Cavaliere* by these left-wing oriented journalists, who were keen on expressing their opposition to his supposed “new way” of governing Italy.

La Repubblica, especially, as one of the most important Italian newspapers, has always kept its stance of resistance to Berlusconi, defending its autonomy and independence even in times of hardships for the editorial world. The newspaper, moreover, has always elected herself as one of the defenders of those fundamental principles, common with other newspapers, that have appeared threatened by Berlusconi – principles that echo its left-wing orientation and that are, amongst others, as we it has been discussed earlier, the separation of powers and the

⁷⁵ Cordero Franco, *Il Satyricon romanesco e l'egemonia di Re Lanterna*, from «La Repubblica», October 4th 2012.

⁷⁶ *Ibidem*.

independence (and respect) of the judiciary branch, a strong antifascism, a lay State, and, most fundamentally for its case, the plurality and independence of the media⁷⁷. This particular issue has frequently been, indeed, at the center of the dispute between the newspapers and publications related to the *Espresso Group*, which has often criticized the actual condition of the media in Italy.

«Freedom of opinion in Italy only exists in theory», is in fact the opening sentence of Antonio Tabucchi's article "*Berlusconi against democracy*", published on MicroMega. With that locution, indeed, he wanted to explain that, technically and formally, everyone is entitled to express freely their opinion, but that, being Berlusconi the owner of such a great portion of newspapers and especially television channels, there can be a certain kind of control on what is actually said or written in the media.

In Italy, to be sure, almost 90% of the population relies solely on television as the source for information. There are mainly six television channels, three of which (*Retequattro, Canale Cinque, Italia Uno*), as seen before, are directly under the property of Fininvest; the other three, which belong to the national *RAI*, have been «indirectly [his], controlled by the majority in government that imposes men and programs»⁷⁸.

The printed media are left instead with only a 10% of the population that chooses them as their fount of knowledge; and, as seen in the previous chapter, Berlusconi's family is the owner of one of the most important publishing houses of the country, and he had fought vehemently for the acquisition of one of the most decisive newspapers.

A clash between the two channels of communication, therefore, is almost inevitable; and given the preponderance of Berlusconi in the Italian television system, is practically unavoidable that the clash would be transformed also into a struggle between himself and the press.

Il Cavaliere, on the other hand, has never concealed his reciprocated aversion for the journalistic world, with which he does not share the same cultural universe; those who are part of the publishing realm, those who read them and/or those who actually "make" them, can be seen as a different élite, one that is «cultured, well-read, of forma and cultural institutional bon ton, to which *il Cavaliere will never belong*»⁷⁹, and that he has never fully persuaded of his political program, no matter how politically stronger he could get throughout the years. In these differences of horizons, in this missed acceptance, it could be found one of the reasons why Berlusconi has always had a troubled relationship with the press; the more one opposed the

⁷⁷ Bosetti Giancarlo, Buonocore Mauro, *Giornali e tv negli anni di Berlusconi*, Marsilio, Venezia, 2005, page 80.

⁷⁸ Flores d'Arcais Paolo, *Fascismo e berlusconismo*, from «MicroMega» 1/2011.

⁷⁹ Bosetti G., Buonocore M., *Giornali e tv negli anni di Berlusconi*, cit. page 78.

other, the more the conflict got more intense and heated. «The suspect arises, then, that what Berlusconi really cannot tolerate is that someone does not love him»⁸⁰; hence, from this stem the strong reactions towards those who oppose him, but they actually could only signify a point of weakness in *il Cavaliere*.

Nonetheless, neither “combatant” has ever desisted in the fight; possibly *la Repubblica* has been the strongest opponent in the battle, never backing down from denouncing the occasions of “regime”.

For what regards the above-mentioned interference of Berlusconi (and the government) in the public television, there has been much clamor for the so-called *Bulgarian decree*. In April 2002, indeed from an international conference in Sofia, Berlusconi declared that two *RAI* journalists, Enzo Biagi and Michele Santoro, and one comedian, Daniele Luttazzi, with their respective programs, «had made a criminal use of the public television» that the «new *RAI* management should not permit to happen anymore», which suggested that the three had to be therefore removed from the broadcasting company, since «they would not change»⁸¹.

His declarations started an important outcry that regarded both the threat to democratic nature of the public television, to freedom of speech, and this impeding monopoly of information. *La Repubblica* addressed the Premier as «an illiterate of democracy, [...] a vindictive little dictator of a banana’s state» against three professionals «guilty of not sharing his same thoughts», and who had acted «with a vulgar and despicable abuse of power, moreover of an intimidating violence unprecedented and inconceivable in democracy»⁸².

In addition, the newspaper underlined how such a grave action by the hands of the Prime Minister had never happened before, and how it would have appeared unconceivable in other Western countries, more respectful of the principles of freedom of speech, and freedom of the press.

Echoes of the accusations of installing a regime, therefore, resonated once again, underlining the characteristics of the “media regime” that now saw Berlusconi as not only the owner of three commercial channels, but also as someone who wanted to extend his control over the competitors.

Only five years later, in mid-2008, when *il Cavaliere* had once again retaken his role as Prime Minister for his fourth government, *L’Espresso* published the telephone wiretappings between Berlusconi and Agostino Saccà, who had been director general of *RAI* during the years

⁸⁰ Ibidem, cit. page 76.

⁸¹ From «*La Repubblica*», *Il premier: “Via dalla Rai Santoro, Biagi e Luttazzi”*, April 18th 2002.

⁸² Maltese Curzio, *Abuso di potere*, from «*La Repubblica*», April 19th 2002.

of the *Bulgarian diktat* (of which he was accused to be the «material author»⁸³). The Public Prosecutor Office in Naples, indeed, had opened an inquest for corruption against, among others, Saccà and *il Cavaliere*. The accusations, to be sure, saw Berlusconi indicted for having recommended, in 2007, through numerous phone calls, five actresses to Saccà in exchange for a future (financial) support in the managerial ventures that the RAI director wanted to begin. The actresses, on the other hand, were relevant in order to please some senators that were part of the then-majority of the Prodi government, in order to make them pass to the opposition side⁸⁴.

The judicial details of those events are not going to be discussed in this context; however, they are relevant to show the intricate relationship existing in Italy between politics and the pressure on media, whose meddling indeed could have raised questions about the democratic nature of the selection process.

It may be said, moreover, that the fact that it was, indeed, *L'Espresso* the one to publish the wiretapping is significant of the group's constant opposition to Berlusconi and its fight to preserve the separateness, too, between the government and the media.

Another major event that “shook the core” of *la Repubblica* and found in the newspaper one of its fiercest antagonists, was the so-called *Gasparri Law*, which was approved on May 3, 2004 and which takes the name of the then-Minister of the Communications under Berlusconi's second government Maurizio Gasparri.

The law was meant for the organization and regulation of the radio and television system, along with the passage to the “digital” television, but it was subject to a long procedural road, as well as many powerful objections.

Already before the approval of the law, in fact, at the time of its acceptance at the Senate, on July 24th 2003, the Committee of the Editorial Staff at *la Repubblica* published a commentary in which they stated their «disdain and bitterness» in the face of this passage of the law at the higher chamber. To them, it was a measure that «constricts *de facto* the pluralism in the system of information, [...] a choice of the current government majority that seriously puts at risk the occupation in the world of information on printed media», and the newspaper urged for the national syndicates of journalists, editors, and polygraphs to coordinate all together in order to safeguard the editorial groups as well as the plurality and freedom of the media.

⁸³ Gomez Peter, Travaglio Marco, *Ali Saccà story*, from «L'Espresso», December 20th 2007.

⁸⁴ Lillo Marco, *Silvio segreto: le intercettazioni delle telefonate con Agostino Saccà*, from «L'Espresso», July 4th 2008.

One of the main worries of the editorial world, indeed, was the fact that the law facilitated advertising on television channels rather than on printed media, which then would have found themselves without such a great source of revenues that would be necessary for their survival. Moreover, Eugenio Scalfari himself defined the law as a Leviathan that was striking the biggest threat to one of the pillars of democracy, that was, as said, the plurality of information sources and free competition, while benefitting the empire of the premier and legalizing his conflict of interests⁸⁵.

What *la Repubblica* extensively condemned, in fact, was also the increased richness of Berlusconi and his family, as a consequence of the dispositions of the law.

In an article written by Giovanni Valentini⁸⁶, *la Repubblica* explained one of the “necessities” of the passage to the digital network: it was an «assist» for Mediaset, since it allowed the broadcasting company to air the soccer games of the major league. This, of course, damaged the major competitors, SKY (which had acquired the rights for the encrypted games) and RAI (who had a tradition of after-games opinion programs that would have possibly resulted redundant if the games had been freely transmitted on other channels). Moreover, the new arrangement was once again criticized for impeding pluralism while supporting unfair competition and the hollowing of the stadiums in favor of locations with a simpler, cheaper television system that would favor the bigger soccer clubs – one of which, indeed, was Berlusconi’s Milan, detail that added to the complaints of *il Cavaliere*’s conflict of interests. In addition, a few months later, *la Repubblica* underlined how the patrimony of Berlusconi and his family had been steadily growing during his eleven years in politics, and that the *Gasparri Law*, according to Fedele Confalonieri (president of Mediaset, and close friend and collaborator of Berlusconi) «rewards Mediaset with a range of potential growth of one or two billions»⁸⁷.

These are just a few examples of an open debate brought forward by *L’Espresso Group* between the editorial world, and the media “empire” that Berlusconi has built; possibly, these are two examples of times in which the publications have felt more threatened, and/or disenchanted and astounded by the actions of *il Cavaliere*.

Berlusconi himself, however, as said earlier, has not avoided fighting back, nor diminishing the tension between himself and the press; on the contrary, he has often protested about what he perceived to be a sort of “conspiracy” against him concocted by the “left-wing press”, not

⁸⁵ Scalfari Eugenio, *Il Leviatano della Legge Gasparri*, from «La Repubblica», September 21st 2003.

⁸⁶ Valentini Giovanni, *Il digitale terrestre assist per Mediaset*, from «La Repubblica», January 20th 2005.

⁸⁷ Livini Ettore, *Effetto governo per Berlusconi, patrimonio familiare triplicato*, from «La Repubblica», May 9th 2005.

sparing the foreign press either on diverse occasions⁸⁸ – and, thus, in this manner even furthering the conflict amongst the two. Indeed, the stronger his reactions against critiques and outbreaks at the hands of national and international media were, the more they generated in return responses that once again brought into question his attitude towards the free press (and, as a consequence as seen above, towards the pillars of democracy).

Nevertheless, it can be said that probably the main protagonist of Berlusconi's *paranoia* of the media, and whose "continuous attacks" he has complained about many times, remains indeed *la Repubblica* – which, it has to be said, has not particularly placated its tones against the recurrent Premier.

Il Cavaliere, indeed, lamented of the "obsession" that the newspaper showed towards him; in one occasion, apparently, he even addressed Carlo De Benedetti, venting to his rival and asking him to intervene in the situation at his magazine's newsroom⁸⁹. Moreover, one time *la Repubblica* was the subject of a not-so-subtle public remark made by Berlusconi in the occasion of a Confindustria conference in Santa Margherita Ligure; there, the Premier suggested to the audience not to «give advertising to media that sing the song of pessimism every day»⁹⁰. That was interpreted as, indeed, aiming at his "rival newspapers", of which *la Repubblica* is most probably the flagship. Certainly, the publication did not take this attack lightly, but once again it commented how this was evidence of a «lethal virus» that came directly from the Head of government and his «technically totalitarian conception of his functions», and who was ready to destroy the reasons of the market only for his political advancement⁹¹.

The pinnacle of this rivalry, nevertheless, could be found in the events of mid-2009.

La Repubblica, indeed, published in May of that year the famous (or even better, *infamous*) inquest of the *ten questions* after the revelations of the *Noemi case*, all of which will be better explained in the following chapter.

The first reaction from *Chigi Palace*, residence of the Prime Minister, was to issue a statement that once again complained of a «denigrating campaign, [...] low-level attacks» at the hands of *la Repubblica*, motivated by «envy and hate» and meaningful of «absolute shortage

⁸⁸ One exemplary moment took place a few days before the 2001 political elections, when an article from the British newspaper *The Economist* commented that Berlusconi was "unfit to lead Italy". The commentary sparked outrage in *il Cavaliere*, who threatened to sue the newspaper. His aggressive reaction against *The Economist* and his certainty of a plot against him raised worries, indeed, for the freedom of the media.

⁸⁹ *Il premier si sfoga con De Benedetti, troppi attacchi da Repubblica*, from «La Repubblica», June 25th 2008.

⁹⁰ Giannini Massimo, *Il Premier e i consigli per gli acquisti*, from «La Repubblica», June 15th 2009. That time, *L'Espresso Group* proceeded by actually suing the premier.

⁹¹ *Ibidem*.

of concrete political arguments [...] and of a defamatory media strategy directed at exploiting exclusively private events»⁹².

On their part, the Committee of the Editorial Staff replied that journalists have both the right and the duty to ask questions, to which find answers that do not take the forms of threats, as the declaration of Berlusconi was instead perceived to be.

In August of the same year, Berlusconi sued *la Repubblica* for that same enquiry (to which ten new questions had been added), asking the *Espresso Group* for a million euros as reimbursement for the defamation he was subject to.

The details, once again, will be examined more in the third chapter; what is important in this context, nonetheless, is the reaction of *la Repubblica* and of all of those who supported her, in order to preserve the right of freedom of the press. The direct attack of the Premier, indeed, was perceived as a direct attack to that principle, and the daily paper was quick in gathering all the manifestations of support, including those coming from the foreign media, which indeed showed that *il Cavaliere*, this time, had gone too far.

Hence, from all of this, it can be inferred that the publications of the *Espresso Group*, and *la Repubblica in primis*, have always opposed the actions, and also the personality itself of Berlusconi, with spirits decisively harsh and frequently unforgiving, embittering the conflict.

What it can also be said, however, is that all these ongoing quarrels between the two show that, indeed, there is still certainly freedom of the press, as in there is the independence and the room for criticism in newspapers. The “prophecy” of the complete regime shutting down the opposition press, so much feared, reported and observed by these newspapers has not realized itself; and indeed, Berlusconi has not *bought* the press, or at least not the totality of it because one of the major newspapers of the country still fiercely resists him⁹³.

What will remain, moreover, is the vicious circle that the press and Berlusconi create: as said before, he does not like the press, especially because an important part of the printed press itself does not like him first. This struggle, too, and the consequent struggle between the media empire of which he is a representative, and the newspapers world, is one that will probably find no easy solution.

⁹² *Palazzo Chigi, da Repubblica campagna denigratoria*, from «La Repubblica», May 14th 2009.

⁹³ Bosetti G., Buonocore M., *Giornali e tv negli anni di Berlusconi*.

2.4 The obsession with the “red robes”

Being as firm as they are in opposing Berlusconi, it should not come as a surprise that the newspapers of the *Espresso Group* have frequently found themselves on the same side as *il Cavaliere*'s other “major enemy”, that is, the judicial branch and the judges.

Paolo Flores d'Arcais wrote, «Then, add to all this the institutional intimidation and mass-media aggression against the magistrates who continue to do their jobs. Even a summary chronicle would fill a whole book»⁹⁴.

Indeed, the strained relationship between Berlusconi and the judges has always gained a huge notoriety for the levels of embitterment it could reach, and the coverage of *la Repubblica* has been definitely extensive, and often *partisan*.

It may be inferred, indeed, that the daily publication has brought forward the indication of an “obsession” manifested by *il Cavaliere* towards the judges, that is this other “counter-power”, along with the press, opposes him and that, therefore, he himself does battle with strenuously. The “obsession” lays therefore in the unremitting complaints of Berlusconi towards the third branch of power, while the newspaper never fails to correlate his intolerance to the diverse judicial proceedings that he has been found part of throughout the years.

In an editorial written by the director Ezio Mauro, in fact, *la Repubblica* remarked that, at a conference of Confesercenti, Berlusconi «mimed handcuffs with crossed hands, ensured that “some prosecutors would want to see me like this”, explained that politicized judges are “a metastasis of democracy”, a democracy moreover “on probation, kept beneath the heel” by the ideologized magistrates “that want to change who is governing». All of this, indeed, showed «the institutional representation of an obsession [...] that becomes government, transforms into law, [...] and converts into word and flesh»⁹⁵.

At the time of these words, in June 2008, indeed, the “conflict” between Berlusconi and the magistracy was becoming increasingly difficult and strained. A new law, in fact, which *la Repubblica* referred to as “premier-saving”, was being drafted; according to the newspaper, to be sure, the rule was meant at stopping the verdict of one of the judicial proceedings in which Berlusconi was indicted⁹⁶. This would have been carried out by a biphasic “strategy” which expected an amendment to the so-called security decree for which the trials that involved

⁹⁴ Flores d'Arcais P., *Fascismo e berlusconismo*, from «MicroMega» 1/2011.

⁹⁵ Mauro Ezio, *L'ossessione al governo*, from «La Repubblica», June 26th 2008.

⁹⁶ The so-called *Mills trial*, named after the indicted English lawyer David Mills, who was accused of corruption in judicial proceedings with the charges of having being paid by Fininvest in order to give perjury during trials that saw Berlusconi involved. Berlusconi himself had been indicted with the same charges of corruption in judicial proceedings. They both would later be acquitted due to the statute of limitation.

crimes, committed until 2002, of unurgent social alarm would have been blocked, and a bill of ordinary law that would have proposed again the 2003 so-called *Lodo Schifani*, which envisioned the complete blockage of judicial inquiries for the highest offices of the State as long as they held their position (law that had been declared unconstitutional by the Constitutional Court in 2004)⁹⁷.

The daily commented how these dispositions would be a *diktat* to the magistrates, how the focus on more urgent and violent crimes conveniently left out «the delicts of the white collars, and among these obviously the judiciary corruption of president Berlusconi», and, finally, how even the vice-president of the Supreme Council of Magistrates was expressing his worries about the prospected changes⁹⁸. The National Association of Magistrates, indeed, was worryingly evaluating that more than a hundred thousand trials would have been stopped as a consequence of the new law, thus creating a significantly chaotic and dysfunctional situation in the penal justice of Italy.

The conflict with the Premier, however, was just at its beginning; on the 17th of June, indeed, *il Cavaliere* recused the judge Nicoletta Gandus, who was in charge of the decision for the above-mentioned trial against him. The recusal was set in motion in light of «“reiterated manifestations of thought that reveal a serious animosity” towards Berlusconi», and it was highlighted that «Judge Gandus “appears among the subjects potentially damaged by the connected trial, from which the present trial is born, having owned Mediaset stocks»⁹⁹.

La Repubblica immediately remarked how once again the conflict between the premier and “left-wing” judges and their conspiracy against him was reappearing on the political and social scene, once more reminding of the proposed obsession that *il Cavaliere* showed towards the magistracy. Moreover, they stated that Berlusconi’s was «an incredibly harsh attack», hence “siding” with the judges and aligning their position with the one expressed by the National Association of Magistrates, who reminded that «Who governs cannot denigrate and delegitimize the judges and the judiciary institution when his personal position is in discussion»¹⁰⁰.

Once again, a few days later, the newspaper reported Berlusconi’s intervention from Brussels, in which he stated his intentions of denouncing the judges and public prosecutors who he considered subversive towards democracy¹⁰¹.

⁹⁷ Milella Liana, *Al via la norma salva-premier, preoccupazione al Quirinale*, from «La Repubblica», June 16th 2008.

⁹⁸ Ibidem.

⁹⁹ Mills, *Berlusconi ricusa il giudice, scontro tra il Cavaliere e i magistrati*, from «La Repubblica», June 17th 2008.

¹⁰⁰ Ibidem.

¹⁰¹ *Berlusconi: “Pm sovversivi”. E attacca Veltroni: “E’ un fallito.”*, from «La Repubblica», June 20th 2008.

In view of all the Premier's remarks towards the magistracy, therefore, the above-mentioned editorial by Ezio Mauro inflected the feeling of "obsession" that it was attributed to Berlusconi: *il Cavaliere*, although he denied such a fixation, was *obsessed* by the magistracy, he seemed unable to not feel somewhat threatened by so-called "politicized and left-wing" judges, who were in turn, in his view, *obsessed* with him and with the idea of preventing him from governing.

Just as it happened with the press, consequently, he was perceived as "snapping back" at the opposition towards him just like «the bite of a Caiman»¹⁰², nickname who had been attributed to Berlusconi in 2004 by Franco Cordero, jurist and writer for *la Repubblica*. What that infamous *epithet* embodied, indeed, was the comparison of Berlusconi's *style of actions* to the ones of a crocodile, or caiman as well, which «jumps on a prey, swallows it and digests it, then repeats the operation»¹⁰³; reusing it in this situation, therefore, by mentioning the bite of the caiman, may have been used to the purpose of underlining, under a negative light indeed, the ferocity and harshness of the Premier's remarks on, in this case, the magistracy.

Moreover, already in 2004, Cordero had written that «given that he has the culture of caimans, it does not come to his mind that separate powers exist»¹⁰⁴; that same argument was brought back once again during the clash with the magistracy, which was perceived as the umpteenth attempt at changing the institutional situation indeed based on and protected by the separation of powers.

Curzio Maltese, indeed, wrote that the first strategy used by *il Cavaliere* in order to change the constitutional structure, was towards the attacks to the magistracy, attacks that grew stronger and more violent year after year¹⁰⁵. The subject of the regime, consequently, once again began prominent, especially due to the fact that *la Repubblica* lamented how small and basically null the public reaction to Berlusconi's actions had been, hence basically leaving the judges to fight by themselves.

Indeed, the sentence "metastasis of democracy", pronounced as said by the Premier in June 2008, would have made the press of any other country arise with criticism and alarms; «in Italy, instead, a superficial behavior prevails [...]; too few worry about a comportment that denies the intimate fundament of a representative democracy. [...] The drugged public opinion savors [his most vulgar offences] as a natural manifestation of his spontaneity: figure of the series, "You know, he's just like that"»¹⁰⁶.

¹⁰² Maltese Curzio, *Il morso del Caimano*, from «La Repubblica», June 21st 2008.

¹⁰³ D'Agostini Paolo, *Nanni Moretti, nuovo film ispirato a Berlusconi*, from «La Repubblica», October 20th 2004.

¹⁰⁴ Ibidem.

¹⁰⁵ Maltese Curzio, *Il morso del Caimano*, from «La Repubblica», June 21st 2008.

¹⁰⁶ Pardi Pancho, *Sua impunità, metastasi della democrazia*, from «MicroMega», June 26th 2008.

Therefore, it can be inferred that *la Repubblica* and the companion newspapers worried not only about the most immediate consequences of Berlusconi's clash with the third branch of power, such as for example the reported blockage of an incredible number of trials, but also about those more secret and more "fascist" (again, word used with extreme caution) costs, which they feared would threaten the security of the democracy. Moreover, they opposed the situation of almost-passive acceptance of Berlusconi's actions as another significance of his attempt at establishing his own personal regime.

Personal regime, to be sure, that took the form of a «monocratic State with a superordinate power because of direct popular derivation and with all the other powers of the Republic subordinated: to the point of becoming illegitimate when they give a challenge in their autonomous function the brand-new principle of sovereignty that wants the modern sovereign *legibus solutus*. [...] A possible outcome of the Italian populism in place for fifteen years, capable not only of conquering consensus but also of building a dominant commons sense, [...] in which finally this sort of opposition from the government can grow with no reactions»¹⁰⁷.

Even more worrying, for these left-wing magazines, was instead a sort of "opposite" reaction: when, indeed, the crowd was called to show support for *il Cavaliere* and, instead, "rebel" to the magistracy. In 2013, in fact, Berlusconi called for a manifestations on the date of March 23, to oppose such a «cancer of democracy», which to him were indeed the judges that, once again, had opened an inquiry about him¹⁰⁸. Such a severe declaration, and a call for popular mobilization against one of the three powers of the State, was once again, affirmative, according to *MicroMega*, of the "dictatorial tendencies" of Berlusconi. Indeed, they commented, «when a political leader hurls his *partisans* against the institution of guarantee, claiming the right of not being submitted to the law, we are in the presence of a subversive event. It is the assertion of the *Fuhrer Prinzip*»¹⁰⁹.

What it may be deduced, therefore, is that the strenuous and as well severe reactions of the publications of *L'Espresso Group* towards *il Cavaliere* were dictated by their will of resisting him, delegitimize him and keep their stance as counter-power, while simultaneously supporting the other "bastion" against him, which was constantly under attack for, basically, conducting their functions. Indeed, it appeared as if those magazines were keen on fighting for the "mission" of preventing, indeed, those predictions from happening and somehow, too, arise once again the feeble resistance to such a stance of power by the executive.

¹⁰⁷ Mauro Ezio, *L'ossessione al governo*, from «La Repubblica», June 26th 2008.

¹⁰⁸ The so-called *De Gregorio case*, in which the premier was accused of corruption and illicit financing after Senator Sergio De Gregorio confessed about having received in 2006 three million euros to switch from his party, "*Italia dei Valori*", to Berlusconi's side, in order to destabilize Prodi's current government.

¹⁰⁹ Gallo Domenico, *Il cancro della democrazia*, from «MicroMega», March 1st 2013.

2.5 *Il Cavaliere's* judicial proceedings and the *ad personam* laws

It could be inferred that, besides the presumed intolerance of Berlusconi for those who are in contrast with him, his “aversion” towards the magistracy (along with the press who instead supports the judges) and the feeling of their “conspiracy” that still has pervaded him, may stem from his participation in a conspicuous number of judicial proceedings. Topic on which, indeed, the magazines of *L'Espresso Group* have always expressed particularly strong remarks – and of which, as seen in the previous chapters, they had been direct participants, too.

One of the main preoccupations (and objections, as well) that sure enough derives from Berlusconi's delicate judicial situation is that it could make him unfit for the leadership of the country.

In light of the political elections of 2001, indeed, Piero Ottone published on *la Repubblica* an editorial in which he expressed his own personal doubt (that, indeed, he probably hoped to arise in others as well) about voting for *il Cavaliere*. One of the reasons was represented surely by the «judicial question. In not one great democracy», he wrote, «a citizen could aspire to hold the government if he is accused of crimes as severe as the ones ascribed to Berlusconi: financial fraud, corruption of judges. [...] In another country of the West, such a judicial résumé would automatically exclude from the political competition. It is a bad sign if in Italy they go unnoticed»¹¹⁰. Moreover, the fact that Berlusconi claimed, as seen before, that there was some sort of persecution by the hands of the judges against him only made the situation worse, because Italy, then, was presented as a nation with a corrupted judiciary, thus shedding once more a negative light on the country as a whole. According to the writer of *la Repubblica*, hence, the sole fact that no one was raising any question about the situation was indicative of the condition of the country itself and of the “dangers” that it could have come to face in the future.

The year 2001, however, as it has been shown earlier, would not be the only occasion in which Berlusconi would have to deal with the judges, proclaiming about his status as “persecuted”; nor, therefore, it would be the last time in which there would be a criticism by the newspapers for *il Cavaliere's* ordeals with justice.

In 2009, indeed, *la Repubblica* published an inquest that reasoned on the fact if really there had been some sort of “aggression” carried on by the judges against Berlusconi, who claimed

¹¹⁰ Ottone Piero, *Processi e conflitti, il premier impossibile*, from «La Repubblica», May 6th 2001.

that he had undergone about a hundred trials (all ended in acquittals and two statutes barred, according to him), hence making him one of the people most persecuted by justice in the history of the world. The daily magazine, however, was quick in lowering the number to actually sixteen trials, four of which were still on going at the time¹¹¹. Moreover, they also discredited the results of the trials as Berlusconi had narrated them; to be sure, only three times he had gained the acquittal from the charges. Then there had been two amnesties, twice discharges because the crime was not considered as such anymore after a reformation of the law, and five times of general extenuating circumstances (see, as mentioned in the previous chapter, for example the *Lodo Mondadori* case).

Beside the details of the article, however, what *la Repubblica* wanted to make relevant was the fact that «without amnesties, reforms of the code (fiscal fraud) and of the procedure (statue of limitations) bewitched by his government, Berlusconi would be considered “a habitual delinquent”». And, «to be fair, and in retrospect», the article adds, «sixteen proceedings to go to the bottom of that clump of illegality today appear even a modest number»¹¹².

The newspaper, therefore, has always fought hard to demonstrate the “obscure past” of *il Cavaliere*, the one that enabled him to become what he was; maybe, because it had been a participant of the judicial proceedings of Berlusconi right from the beginning, right since that one accusation of corruption for the acquisition of the publishing house Mondadori. When indeed in 2001 the Court of Appeal in Milan issued its ruling (see chapter one), which “confirmed” *il Cavaliere* as responsible for acts of corruption, *la Repubblica* remarked that now «there started to be awareness even among those who believed him of how, at the bottom of the luck of the premier, there were crimes and hence violence»¹¹³.

It could be inferred, therefore that the judicial implications of the Segrate War confirmed not only economically, but also “morally” the campaigning of the magazines of *L’Espresso Group* against Berlusconi. Given how entangled with their own history that long series of events had been, it could be said that their “celebration” of the truth acquired even more meaning – and, on the other hand, even more inflamed.

Corruption, therefore, had been the paradigmatic method by which «a tycoon» had built his empire, hidden and protected behind the curtain of public functions. Now, it was also as if Italy’s «organic illnesses», possibly the same one Ezio Mauro was worried about in 2001, had

¹¹¹ D’Avanzo Giuseppe, *Il Cavaliere e la favola dei 106 processi*, from «La Repubblica», November 20th 2009. The on-going proceedings referred to the already mentioned Mills case, plus instigation to corruption for a few senators, illegal funds for Mediaset television rights, pillaging in the Mediatrade case.

¹¹² Ibidem.

¹¹³ D’Avanzo Giuseppe, “Berlusconi è il corruttore”. *Illegalità per creare un impero*, from «La Repubblica», July 10th 2011.

also been uncovered: it proved itself almost a “peculiar” country where «a *swindler* could hide from his electors his techniques until he became Head of government, [and where] a crime committed by a private could be cancelled in the name of his public function»¹¹⁴.

When the Court of Cassation, moreover, confirmed at the third degree of justice the civil charges against Berlusconi in 2013, *la Repubblica* announced that the truth had been finally reached, and it had «undressed the Sovereign of all his fake frills and his false shields». Calls against some «red *coup*» orchestrated by the «politicized robes» could be brought forward only by «the lying theorists of the Great Falsehood», because after six degrees of judgment, the amount of evidence was final and astounding¹¹⁵.

These, however, as said, were “only” civil charges, which had to be resolved through monetary reimbursement, no matter how much Berlusconi lamented or *la Repubblica* somewhat felt “victorious” in seeing her expectations recognized. The final verdicts had indeed surely indented *il Cavaliere*, but they had not stopped him as *la Repubblica* may have wanted. However, they just had to wait a very short time.

On August 1, 2013, indeed, the Court of Cassation definitely and beyond any reasonable doubt sentenced Silvio Berlusconi for fiscal fraud – he had inflated Mediaset’s expenses, and the differences between the registered costs and the real ones had been transferred to off-shores accounts, which allowed also for a smaller amount of taxes to be paid. The conviction amounted at four years in prison, three of which were condoned by the 2006 law on pardon¹¹⁶; the accessory penalty of interdiction from public offices, instead, was to be recalculated from its original amount of five years (the Court of Appeal in Milan would lower it to two years in October).

The day after the Court of Cassation’s sentence, *L’Espresso* published a detailed “guide” regarding the result of the ruling, in form of *frequently asked questions* about the situation; above all, they focused on two main factors: the possibility of *decadence* of Berlusconi from his position in Parliament, and the historical value of this ruling.

For what regarded the latter, indeed, *L’Espresso* wrote that the sentence ratified «an historical truth, now ascertained from the judicial point of view: until at least 1998, that is in the first four years of his *entering in the field*, Berlusconi has never stopped being the

¹¹⁴ Ibidem.

¹¹⁵ Giannini Massimo, *La corruzione come metodo*, from «La Repubblica», September 10th 2013.

¹¹⁶ Law 241/2006, approved in July 2006, which provided for a reduction of up to three years for prison sentences, and up to ten thousand euros for pecuniary penalties, for crimes committed until May 2nd 2006 – excluding certain categories of crimes, such as terrorism, slavery, rape, underage prostitution, and so on.

“dominus”, the decision-maker of Fininvest-Mediaset. [...] In other words, the Court of Cassation ratified the existence of the conflict of interests»¹¹⁷.

Concerning the former, instead, there stood in place the so-called *Severino Law*, approved in 2012 by a large majority. The law provided for the ineligibility and decadence for all those who had been convicted with final sentences; the *Party of Liberties* (PDL), Berlusconi’s party, in the meantime, argued that it could not be applied since the crime had been committed before the approval of the law. Nonetheless, it was decided that the Senate would have to vote on the decadence of *il Cavaliere*; after many postponements, the vote was set for the 27th of November, 2013.

On the eve of the decision, Berlusconi organized a press conference to reiterate his innocence; *la Repubblica* retorted that *il Cavaliere*, at his last straw, was now a «Horseman of the Apocalypse, [who issued] a biblical curse» on the senators of the opposition, promising to them that they «would always feel ashamed of their guilt» if they did not oppose his decadence. His insistence, along with another attack against the judiciary, indeed, was described by the newspaper as the umpteenth demonstration of his «inability to accept, at least once in his life, the rules of the game, the laws of the State, the supremacy of the law»¹¹⁸.

The following day, the Senate voted for the decadence of Silvio Berlusconi from his position as Member of Parliament. In light of the *Severino Law*, moreover, he was banned from standing for elections again for six years.

L’Espresso stated, «It is game over; [...] the banner of impunity does not wave anymore on the palace of Arcore»¹¹⁹. Ezio Mauro, instead on *la Repubblica*, penned an editorial titled «*The exception is over*». Indeed, he wrote that «even in Italy, therefore, a political leader too, even for one of the most powerful man of twenty years, finally the democratic rules of the rule of law count, and the law is confirmed equal for all»¹²⁰.

This would not be the first conviction for Berlusconi, to be sure; but it resonated so much, and especially *la Repubblica* and companions gave such an importance to it, because it sealed the guilt of Berlusconi, “reducing” him once again to a private citizen before the trials he would have to face in the future. It effectively brought him down, thus somehow “proving” what the newspaper had been demonizing him for, all through his political career.

There is another implication, however, to Berlusconi’s “impunity of twenty years”, which gives birth to another source of great criticism at the hands of *L’Espresso Group*. This is

¹¹⁷ Biondani Paolo, Gilioli Alessandro, *Berlusconi condannato: la guida*, from «L’Espresso», August 2nd 2013.

¹¹⁸ Giannini Massimo, *Il Cavaliere dell’Apocalisse*, from «La Repubblica», November 26th 2013

¹¹⁹ Biondani Paolo, *Il Ventennio giudiziario di Silvio Berlusconi*, from «L’Espresso», November 27th 2013.

¹²⁰ Mauro Ezio, *L’eccezione è finita*, from «La Repubblica», November 28th 2013.

represented, indeed, by the so-called *ad personam law*, in which the magazines see no less than one of the reasons why *il Cavaliere* was able to resist as much as he had done to the judicial proceedings and come out of them, at least until the one just discussed above, with no important wounds. In order to analyze them, nonetheless, it is necessary to go a little back in time.

According to *la Repubblica*, since 2001, the center-right governments have promulgated eighteen laws *ad personam*; that is, tailored on the necessities and in favor of Berlusconi¹²¹. To be sure, eight aimed at improving his business, while ten were designed to offer him protection from the law¹²².

Among the eighteen, indeed, there have been some more than others that have triggered the vehement response from the publications of *L'Espresso Group*, which are worth briefly analyzing here.

The first one was the Law 248/2002, published on November 7, called also *Law Cirami on legitimate suspicion*. The law presented, in fact, the “legitimate suspicion” on the impartiality of the judges; this disbelief could have been used to appeal for a refusal of the judge, and/or a transfer of the trial somewhere else. It was suspected to be made *ad personam* for the IMI-SIR proceedings, and it was indeed invoked by Previti and Berlusconi’s lawyers in the trials they took part to.

The so-called *Girotondi* (Human Circles), a movement of protest against the center-right government to which also personalities of *L'Espresso Group* took part, started manifestations against the law. Moreover, on *la Repubblica*, Franco Cordero, the jurist who had invented the nickname *Caiman* for Berlusconi, denominated the law as a «constitutional monster»¹²³.

The following year, on June 22nd, the law 140/2003 entered into force; as seen above, it was nicknamed *Lodo Schifani*, after the Senator who had presented the amendment that would become the first article of the law. *La Repubblica* “branded” it as the first attempt at making Berlusconi immune, since the law envisaged the ban on judicial proceedings against the five highest offices of the State – that are, the President of the Republic, of the Constitutional Court, of the Senate, of the Chamber of deputies, and of the Council of Ministers. It would be affirmed unconstitutional right the following year.

Subsequently, it was the turn of the already-mentioned Law 112/2004, the so-called *Gasparri Law*. As seen above, the protests against this decree were vehement, mostly focused on its strangling of the plurality of media and the preference of television over printed media.

¹²¹ *Ecco le leggi che hanno aiutato Berlusconi*, from «La Repubblica», November 23rd 2009.

¹²² D’Avanzo Giuseppe, *Per Silvio Berlusconi 18 salvacondotti in 15 anni*, from «La Repubblica», November 23 2009.

¹²³ Cordero Franco, *Quel mostro costituzionale chiamato legge Cirami*, from «La Repubblica», October 21st 2002.

One year later, in 2005, the law 251/2005 was approved. It would be mostly known as *Ex-Cirielli Law*, or even *Previti-saving*, after the name of Berlusconi's lawyer. The law, indeed, prescribed the reduction of the terms for the statute of limitations; this allowed for the prescription of the crimes of corruption in judicial acts and accounting fraud in, for example, the Mondadori trials. Moreover, the decree also declared that there would be no prison sentence for those who were older than seventy years, if they were not "habitual delinquents" and they had not been already charged; rather, they could be on house arrest. Indeed, Previti was seventy-one years old at the time of the promulgation of the law; and Berlusconi himself would appeal to this same provision at the time of his 2013 conviction.

In 2008, during the Mills trials, the already-mentioned *Lodo Alfano* was approved, that is the Law 124/2008. As said before, it set the goal of proposing again the dispositions of *Lodo Schifani*. The contrast with the magistracy that this rule brought along was already discussed above; however, *la Repubblica* and fellow publications were particularly adamant against this disposition, since it allowed for the suspension of the Mills proceedings themselves. *MicroMega*, for instance, denominated it the «*shameful decree*», a «*scoundrel law*», and called for, before the promulgation of the law, a gathering of «those who insist on believing to be responsible of democracy in their own country because they believe that the Italian democracy is once again in danger. [Because] the opposition to laws that violate laws (and the Constitution first and foremost) is a duty»¹²⁴. The gathering, above all, was not "moral" nor "intellectual", but a real assembly "in the square", in honor of a "Day of Justice", a "No Cav Day" that took place in Navona Square in Rome on July 8th.

Moreover, *la Repubblica* highlighted that Berlusconi was abusing his power to make his position better, while making everybody else worse off. The decree would indeed stop the proceedings against him, but it would also paralyze the work of an already wobbling and overworked judiciary to which, nonetheless, even more was gonna be asked¹²⁵. The security of the citizens, moreover, the same one from which the original dispositions of the *security decree* were born, was seen as threatened, all in the name of Berlusconi's immunity. «Because if, as the lawyer of *il Cavaliere* asserts, crimes like the simple robbery, theft in apartment, manslaughter by drunks behind the wheel, kidnapping with no objective of extortion (were not the parties in government those who suggested that the little gypsies take babies away from the cribs?) become small crimes, the security in danger is not the head of government's and his lawyer, but that of those exposed to these crimes»¹²⁶. Nonetheless, the *Lodo Alfano*, just like

¹²⁴ Colombo Furio, *In piazza, subito, per la giustizia*, from «MicroMega», June 26th 2008.

¹²⁵ D'Avanzo Giuseppe, *Il prezzo dell'impunità*, from «La Repubblica», June 25th 2008.

¹²⁶ Giuseppe D'Avanzo, *La riduzione al silenzio*, from «La Repubblica», June 18th 2008.

his predecessor *Lodo Schifani*, was declared unconstitutional by the Constitutional Court in 2009.

Finally, in November 2009, a bill (*disegno di legge*) penned by Maurizio Gasparri and others of Berlusconi's *Party of Liberties* (PDL) started to be in the talks. It meant at reorganizing the length of judicial trials, inserting the so-called *short trial*. What it envisioned was that, for an indicted with no previous criminal records, the proceeding could not last longer than six years; a transitory regulation, moreover, disposed that the new rules could be applied also to first-degree trials that were currently underway. Immediately the reaction of the opposition lashed back, because the new law was deduced applicable in Berlusconi's proceedings for Mills' case and in those for the acquisition of Mediaset's rights.

La Repubblica, moreover, was chosen (and probably not by chance) by the writer Roberto Saviano as the platform for his letter addressed directly to the Premier; letter that asked for the withdrawal of such a «rule of privilege», since with the «short trial, extremely serious crimes actually will go unpunished due to the statute of limitations and, in particular, offences committed by white-collar workers». There would be the risk, therefore, that law in Italy could transform into «an instrument only for the powerful»¹²⁷. Saviano's appeal, in addition, became also a popular appeal on the website of *la Repubblica*, which started to collect signatures to sustain the letter, going as far as spreading among the social networks and gaining almost 400 thousand signatures. Indeed, in September 2010, the *DDL* on the short trial was abandoned, after too much hostility from the public opinion and the opposition.

What it could be inferred from all this, therefore, is that once again *la Repubblica* and her companion magazines have been the podium of denunciations against *il Cavaliere* and his actions. From trying to uncover his dubious methods, to denouncing what were perceived as abuses of his power for his own private gain, to finally participating in the disclosure of what they had been writing and campaigning about, these publications have never stopped trying to gain a broad consensus against Berlusconi (and what he stood for), by informing the public especially about his more “darker” side.

¹²⁷ Saviano Roberto, *Premier, withdraw that rule of privilege*, from «La Repubblica», November 18th 2009.

2.6 The problem of the conflict of interest

Finally yet importantly, the subject of the conflict of interest has been another thorn in the flesh of both the publications of *L'Espresso Group*, who protested frequently about it, and Berlusconi, who had to respond of it. Indeed, the problem has been persistent since the beginning of his political career, due to the fact that he was the proprietor of such important segments of the editorial world, of the media communications and advertisement, of the construction industry, and so on.

Eugenio Scalfari, founder of *la Repubblica*, in June 2000 wrote an editorial in which he highlighted how Berlusconi's situation, due to its leading position in the information field, for which he also had public concessions, was prohibited by no less than three legal dispositions: one dating back to 1957 that saw the position of Member of Parliament as incompatible with the holder of public concessions; by the law on television broadcasting which forbade groups from obtaining more than the 30% of the advertising resources (Berlusconi, instead, could gain as much as 36% of the entire sector); and finally, by the competition rules which entrusted the authorities with the task of impeding the creation of dominant positions¹²⁸. Then, he proceeded by saying how *il Cavaliere* had circumvented the disposition about his ineligibility to Parliament, back in 1994, by claiming that the law could not be applied to him, since the owner of the public concession was not his natural person, but rather the limited company he had previously owned and whose business functions he had dismissed. Moreover, Scalfari retorted that there was an «indecorous situation» in the Italian legislative process, where many different bills regulating issues of property and dominant positions, were lying idle in the Senate with no purpose of being discussed; thus, in case of victory of the *berlusconian* coalition at the forthcoming elections, Italy would have «realized the world record of having as head of government a man called by the government itself to administer the State concession to his own companies and the dominant position to be acquired in spite of any rule on competition. Italy would become a *republic of bananas*, with the difference that it would not involve bananas but information capable (you bet!) of manipulating the popular consensus»¹²⁹.

These same perspectives were shared by Piero Ottone, in the already-cited editorial before the 2001 elections. Ottone, indeed, stated how the conflict of interest was a slice of a bigger issue, which was the concentration of powers Berlusconi could achieve to in case of his political victory, when he could have indeed organized the laws to better conform his gain. Once more, Ottone complained about the fact that such situations should not have existed in a “normal”

¹²⁸ Scalfari Eugenio, *Il conflitto di interessi del Grande Fratello*, from «La Repubblica», June 25th 2000.

¹²⁹ Ibidem.

country: if, indeed as *il Cavaliere* had done, any citizen of any other country, would have transferred the property of his newspaper to his brother once a law impeded him to own both the paper and television channels, that citizen would have been excluded by the political life, for *decorum* reasons. An accumulation of powers, from indeed the editorial to the financial and to the political, would have not been possible in European countries, and yet, Italy could be facing it in a few short days¹³⁰.

Therefore, it may be inferred that the obvious conflict of interests that hovered on *il Cavaliere* was seen by *la Repubblica* as a shadow suspended over Italy itself as well, somehow “devaluing” it and transforming it to an instable, dormant, uninterested nation which did not belong among the more advanced European countries; once more, the problems of Berlusconi became problems of the whole nation.

Yet, during his electoral campaigning in May 2001, Silvio Berlusconi declared that indeed he and his government would resolve the problem of the conflict of interests in a hundred days. About two years and a half later, in December 2003, *la Repubblica* cited an article of *The Economist* that candidly commented, «Of course he did not do it». The British newspaper, furthermore, commended the President of the Republic, Carlo Azeglio Ciampi, for having «controlled the power of the prime minister»¹³¹.

The President of the Republic, to be sure, had sent back to the Chambers of the Parliament the already mentioned *Gasparri Law*. As said before, the law had raised many issues about the safety of the pluralism of information, and, once approved in 2004, had benefited indeed Silvio Berlusconi and Mediaset, thus incrementing and regulating the conflict of interest.

On July 20th 2004, however, there finally appeared a law on the regulation conflict of interests, the so-called *Frattini Law*. However, it was not immune to many instances of criticism.

Indeed, when its *iter* started and the law gained the majority in the Chamber of Deputies (with, moreover, the desertion of the room by the opposition) in the beginning of 2002, *la Repubblica* commented that the law was made on purpose for the premier, becoming the umpteenth peculiarity of Italy. Franco Cordero, in fact, analyzed that it was as if the conflict of interest, formulated as it had been with that law, somehow disappeared. Article 2, indeed, described the incompatibility of positions between a governing office and the administration of business companies; however, the “simple property” of a business was excluded. Berlusconi, therefore, could be “saved”, could qualify as compatible for the governing office because he «resulted absent from the administrative organigram, having entrusted the emblems to his

¹³⁰ Ottone Piero, *Processi e conflitti, il premier impossibile*, from «La Repubblica», May 6th 2001

¹³¹ *L'Economist*: “Bravo Ciampi, Berlusconi è un arrogante,” from «La Repubblica», December 18th 2003.

men»¹³². The conflict of interest, moreover, subsisted when there were government actions that not only affected the patrimony of the holder of the governing office, or their spouse and family members, but also determined a damage for the public interest; all of this stood, unless the provisions favored «the generality or entire categories». The simplification of this term, categories, indeed, was, according to Cordero, the *catch*, which could allow for actions that indeed favored also the premier. Berlusconi, therefore, «blossoms everywhere, head of an empire on which the sun never sets; [...] he is founding a technocratic-populistic *signoria*»¹³³. The conflict of interest, indeed, was not resolved.

In 2005, moreover, there was a “direct clash” between *il Cavaliere* and *la Repubblica* regarding, among other topics, precisely the conflict of interest. On the 7th of August, Berlusconi in fact wrote a letter to the newspaper in response to an editorial penned by Ezio Mauro, who had identified in the conflict of interests one of the causes of the “anomaly in democracy” that the Italian center-right was.

Berlusconi stated that, for what regarded the conflict, it was regulated by a severe law and by autonomous authorities, law that had not identified any illegitimate and that, therefore, could have benefitted the interests of the Premier. The conflict, therefore, did not exist. «In the absence of official acts», he added, «Nobody is authorized to sustain the thesis that the government is influenced by the conflict of interests. Doing so equals to emitting a conviction against someone before even a trial is prepared. An attitude completely illiberal and distortive of the rule of law»¹³⁴.

The answer of the director of the daily magazine arrived the following day. Mauro wrote, «The conflict of interests does not exist because a berlusconian law says it does not exist. Tautology is ideology. The private properties of Silvio Berlusconi are still all attributable to his person, and they are so extensive to cross every day the path of the government. [...] I would like to add a psychological notation. The last time I came across Berlusconi in a television studio, six years ago, I talked about the conflict of interests. Immediately *il Cavaliere* turned to me, and interrupted me live: “But you” – he asked – “Are still going about that stuff?” That is the mood, the psycho-political behavior before a problem for the eternal Berlusconi. That “stuff”, in my opinion, is the basic precondition for doing politics correctly»¹³⁵.

It was clear, therefore, that *la Repubblica* was not going to be so “permissive” regarding the conflict of interests as others, even among the political ranks, were; for the newspaper, indeed,

¹³² Cordero Franco, *Come si fa a far sparire il conflitto di interessi*, from «La Repubblica», March 7th 2002.

¹³³ Ibidem.

¹³⁴ Berlusconi Silvio, *Politica, affari e il fondo di Carlo De Benedetti*, from «La Repubblica», August 7th 2005.

¹³⁵ Mauro Ezio, *Berlusconi e l'anomalia della destra italiana*, from «La Repubblica», August 8th 2005.

and its publishing house, that topic remained of crucial influence on the “good health” of Italy – the more it went on, the more they perceived its anomaly to grow and worsen the situation.

The “attacks” by the magazines of *L'Espresso Group* made a strong comeback in the limelight in the first months of 2013, when new political elections took place and saw Silvio Berlusconi coming in second, with an incredibly small difference in percentage of votes from Pier Luigi Bersani's *Democratic Party* (PD). The minimum difference of votes with the other new party in the game, Beppe Grillo's *Movimento 5 Stelle*, could not attribute to either one of the three main players a clear-cut victory, therefore no secure majority in government.

Maybe exasperated by this situation of un-governability, and by the persistence of Berlusconi in government, *MicroMega* launched an online appeal: the magazine, indeed, claimed that *il Cavaliere* could not be elected in light of that law 361 from 1957, which had been «systematically violated» every time he had had access to the Parliament. Therefore, they started a campaign of collection of signatures in order to ask for a recourse and prevent, indeed, Berlusconi from accessing the Senate¹³⁶.

Their objective was not reached, and Berlusconi indeed took part in the government. However, as seen before, in 2013 he was definitively convicted for fiscal fraud by the Court of Cassation – that sentence, indeed, sealed unquestionably the existence of his conflict of interests, by being contemporary in charge of Mediaset's actions and holding a governmental office.

Somewhat, therefore, the *Espresso Group* had once again won its battles.

¹³⁶ *Firma anche tu per cacciare Berlusconi dal parlamento (facendo applicare la legge 361 del 1957)*, from «MicroMega», March 1st 2013.

CHAPTER THREE

OF LADIES, *IL CAVALIERE*, ARMS AND LOVE

3.1 Introduction

The final part of the conflict between *L'Espresso Group* and *il Cavaliere*, as severe, if not more, as the others, revolved more about the “person” of Berlusconi than his governmental acts; however, the problem stems from the fact that the “person” of Berlusconi is almost inseparable from his position in office, thus creating an unresolvable medley between his private life and his public life.

Exemplar of this issue are the three, “great” scandals that Berlusconi had to face particularly in his last government, scandals that rocked the public opinion and resounded even at the international level, for the ties they uncovered between public power and private life. Women, vices, power and politics found themselves incredibly raveled together, to a level that may had not been faced before in the country.

This chapter aims at analyzing the different and subsequent phases, narrated in chronological order, of the intertwining between the public life and the private life of Silvio Berlusconi as tackled by *la Repubblica* and her fellow magazines. Indeed, they undertook actual, factual, and strong journalistic inquiries to cover every detail of the scandals and their protagonists, to find the truths that were impeded, and to a certain extent demonize even more *il Cavaliere* and bring out once more “his true colors”.

What was predominant, certainly, was the knowledge that he had made use of his public life – his power, his position – to help his private life – his business, his troubles, his likings.

Somehow, then, it all came back against him, and *Repubblica* and *L'Espresso* simply pushed the accelerator.

3.2 2007-2009: first shakes

The beginning of these events could be traced as far back as the first months of 2007, when Berlusconi was once again leading the opposition, during the second Prodi Government. It was January 31st, when the person who should have been Berlusconi's most intimate ally, suddenly took an unexpected step against him.

Indeed, Veronica Lario, wife of twenty-seven years of *il Cavaliere*, broke the silence and the discretion that had characterized her for all those moments at his side, and sent a letter to no less than *la Repubblica*, ultimately her husband's "bitter enemy". In it, she asked for public apologies for Berlusconi's behavior.

His faults dated back to a couple days prior, when Berlusconi had participated at the gala dinner for the *Telegatti*, an award show organized by a Mondadori's magazine in order to reward the best television shows and personalities. Indiscretions about the party had bounced around the media, especially about a few remarks pronounced by *il Cavaliere*.

La Repubblica, always on the front lines, narrated how he had given in to his «passion for the ladies», dispensing, to the actresses and showgirls present at the party, gazes, compliments and "wishful thinking"; one, in particular, tickled the minds of the reporters, since it was directed to Mara Carfagna, who was a member of *Forza Italia* and had been recently elected to the Chamber of Deputies in 2006. Indeed, it was described that Berlusconi had remarked, about her, «"Look at her, if I weren't already married, I would marry her!"»¹³⁷.

This was, for Lady Berlusconi, the straw that broke the camel's back. She, ceasing her certainty of having to stay on the private side of *il Cavaliere*'s life as much as possible, on the letter to the director of *la Repubblica* wrote that the comments made by her husband were «detrimental for her dignity, affirmations that for the age, the political and social role, the familiar context of the person they come from, cannot be reduced to playful externalizations. To my husband and to the public man I therefore ask public apologies, not having received any privately»¹³⁸.

The letter made the front page of the newspaper, an eye-catcher article that was unmissable – so much that, on that Wednesday, the website of *la Repubblica* reached one million of unique users, establishing a new record of more than eight million monthly unique visitors, right in

¹³⁷ Bei Francesco, "Come sono stato depresso", *il Capo consolato da Yespica*, from «La Repubblica», January 31st, 2007.

¹³⁸ Berlusconi Veronica, *Veronica Berlusconi, lettera a Repubblica: "Mio marito mi deve pubbliche scuse"*, from «La Repubblica», January 31st 2007.

time for the tenth birthday of *Repubblica.it*¹³⁹. What more of a proof between the beginning of the intertwining of public life and private life could this be?

Veronica Lario had chosen to *go public*, because she had felt publicly struck in her dignity as a woman, possibly this time more than any other (and *la Repubblica* was quick in delivering an article in which some past remarks of *il Cavaliere* towards women were listed), and a private resolution would not have been enough.

Of course, the only thing left to do for Berlusconi, who in the meantime was highly defended by his online supporters, was issuing a public apology. Indeed, he – co-assisted by his staff, inferred *la Repubblica* – composed a letter of reply that was released later that day. In it, he wrote that he had been «recalcitrant» for a private apology, because he was «playful but also proud»; however, since he had been «dared in public», he had to give in to «temptation to surrender». Moreover, he held her dignity «as a precious good in my heart even when from my mouth there escapes the carefree joke, the gallant reference, and the one-moment trifle». He assured he had never proposed to anyone else, and ended his apologies by asking his wife to take «that public testimony of private pride surrendering to your anger as an act of love»¹⁴⁰.

After this longed for public declaration, everything went quiet, Veronica Lario retreated once more in her private role as matriarch of the Berlusconi family.

The quiet *after* the storm was not meant to last long.

In May 2008, Berlusconi began his fourth government as Prime Minister of Italy with *The People of Freedom*. Unluckily for him, in late June and July there started to be published by *l'Espresso* more tranches of the telephone wiretappings, mentioned in the previous chapter, between him and Agostino Saccà, director of Rai fiction, wiretappings that belonged to the Napoli Prosecutor Office's inquiry about corruption and that had started to "leak" even since the previous December.

Berlusconi reacted strongly against the articles of *l'Espresso*, claiming that wiretappings were a violence against a person's right of privacy, no matter of "public" that person could be. *La Repubblica*, instead, commented that, even if one could understand and even share the position of the Premier, he should have been the last person who could complain about the «double-edged sword» that was the «culture of gossip» and chitchats. And he had used it to transform his private life into a public matter, with the «reflection of his image that overflows, the value assigned to richness, the energy of luxury, [...] the display of scratches and bruises after being in a sea of people, and the jokes, the song, the gallant or macho remark; [...] in sum,

¹³⁹ *Record di Repubblica.it superati gli otto milioni*, from «La Repubblica», February 2nd 2007.

¹⁴⁰ Berlusconi Silvio, *Berlusconi risponde alla moglie, "Mai fatte proposte di matrimonio"*, from «La Repubblica», January 31st 2007.

all that Berlusconi always triggers as a spontaneous device to bring the attention upon himself in the most efficient way: feeding himself to the public»¹⁴¹. All of this, therefore, comes back in retaliation against him, and if he had thrown himself at the masses before, he could not have avoided the public now.

The wiretappings with Saccà, however, were not all. Among the newspapers, in fact, there were whispers of other kinds of telephone calls wiretapped, which would have had more “intimate” character and that may have referred to a few women ministers in Berlusconi’s government; indeed, *la Repubblica* once again brought into the matter the role of Veronica Lario. This time, she did not make any remark to the press, choosing once again a way of silence and privacy, but the newspaper reported comments of those who were close to her as saying that all that was happening was raising an issue of public morality¹⁴². Indeed, corruption was not being the sole problem analyzed and observed by those who opposed the government and its leader; also issues about merit and especially about the merit of (good-looking) women was becoming prominent.

At least, for that time, the private conflict brought public, was avoided; no marital struggle was catapulted under the limelight, however the limit between the two different spheres of life were becoming more and more blurred.

The New Year, always full of promises and better horizons, once again betrayed the President. In April 2009, indeed, there filtered the news of a “political education course”, organized by *The People of Freedom*, in view of the upcoming European political elections; the participants were about thirty women, most of whom had had a past in the show business. Some of them, according to the Premier, were going to be candidates to the elections, in alignment with *il Cavaliere*’s plan of renovating and refreshing the image of both his party and the country it was governing.

The reactions were immediate, claiming that women and their body were being exploited. A foundation close to Fini, longtime ally of *il Cavaliere*, protested for such a use of women; the foreign press renamed the girls “Berlusconi babes”; *la Repubblica* observed that now there was the return of «mythologies belonging to the most remote layers of the representation of power: the physical appearance, beauty, the body. [...] The soft tyranny of *veline*»¹⁴³.

¹⁴¹ Ceccarelli Filippo, *Nella terza repubblica del gossip Silvio vittima del chi la fa l'aspetti*, from «La Repubblica», July 5th 2008.

¹⁴² Cresto-Dina Dario, *Dietro il silenzio di Veronica “Voglio sapere la verità”*, from «La Repubblica», July 5th 2008.

¹⁴³ Ceccarelli Filippo, *La rossa, la bionda e la vocalist da piano bar ecco le bellissime alla corte di Re Silvio*, from «La Repubblica», April 28th 2009.

Above all, however, Mrs. Berlusconi spoke; and she reportedly exclaimed, in an email to ANSA, that the situation showed the «insolence and lack of discretion of the power which offends the credibility of all women, and this goes against women in general and above all against those who have always been in the front line for the safeguard of their rights». Consequently, she said that she was sharing the position of some who claimed that it had all been done «for the entertainment of the emperor»; indeed, it was all «rubbish with no decency, all in the name of power»¹⁴⁴.

Berlusconi, of course, could not exempt himself from answering when once again his wife was putting her foot down and expressing a public opinion that (publicly) damaged him. This time, however, he claimed that his wife had blatantly believed in what “left-wing” newspapers were writing, and that it was not true that there were former showgirls among the candidates for the European elections. The only thing that was true, nonetheless, was his vision of having younger, elegant, qualified and hard-working people among his ranks¹⁴⁵.

Indeed, when later in the afternoon the *People of Freedom* announced the list of runners for the Strasbourg Parliament, only three women were among the names, and only one had had a past in the show business.

Maybe, however, what would be published by *la Repubblica* on that same day would have now required more of *il Cavaliere's* attention.

3.3 April – June 2009: Noemi and *Repubblica's* “Ten Questions”

On April 28th, indeed, *la Repubblica* published an article in which it narrated the participation, on the previous Sunday, of *il Cavaliere* to the eighteenth birthday party of Noemi Letizia, a young lady from Casoria (Naples). Everybody immediately started inquiry who she was, what was the kind of relationship between her and the *President* to make him fly overnight to Naples for her party, before a summit for the emergency of garbage, why, most of all, she was used to calling him *papi* (literally, *daddy*).

The term “veline” is used originally to represent the duo of girls, usually one blonde and one brunette, who accompany the hosts of the television show *Striscia la notizia*. With time, as in here, it has gained a more “negative” connotation to represent short-lived or aspiring starlets.

¹⁴⁴Veronica Lario: “Le veline candidate? “Ciarpame senza pudore per il potere”, from «La Repubblica», April 28th 2009.

¹⁴⁵Veline in lista, l'ira di Berlusconi, “Veronica ha creduto alla sinistra”, from «La Repubblica», April 29th 2009.

Above all, once again Veronica Lario expressed her opinion on the matter, bitterly stating that she had felt extremely surprised after hearing the news, since her husband had never taken part to any of his children's eighteenth birthday parties¹⁴⁶.

The premier tried to minimize the events, stating that all that had happened were just a toast in honor of the birthday girl, and a round of pictures; he had been there, moreover, only because the father of Noemi had been Craxi's driver in the past¹⁴⁷.

However, his declarations were promptly belied by Craxi's own son, Vittorio "Bobo", who issued a statement to ANSA saying that he had personally known his father's driver, whose name was Nicola (not Benedetto, called Elio, as Noemi's father), he came from Veneto, and he had passed away a few years prior. Indeed, on the 30th of April, ANSA received an official communication from Chigi Palace, which announced that the premier had never actually correlated Craxi's driver and Mister Letizia.

In the same time, Noemi Letizia kept reiterating how close Berlusconi was to her family, even though she did not really know how the acquaintance had begun, and that he indeed treated her as a daughter, even gifting her a collier for her birthday, and she regarded him as a second father. Indeed, she wanted to enter in the show business in the future, she confessed to *la Repubblica*¹⁴⁸.

Noemi, probably, was the other straw that broke the camel's back for Veronica Lario: on May 3, the "first lady" announced her decision of divorcing Berlusconi with a press communiqué. She, in fact, could not tolerate anymore «being with a man who frequents underage girls». She added that she had tried to do her best, to help her husband, «implore those who are close to him to do the same, as you would do with a person who is not well»¹⁴⁹, but now it was all enough for her.

On the pages of *Il Corriere della Sera*, Berlusconi publicly tried to "justify" himself, declaring one more time that his wife had fallen in a media trap created to discredit him right at the apex of his popularity; that she had believed false reports and had not even warned him of her intentions to divorce, leaving him embittered, indignant, desirous only of privacy in such a fragile time. There had been no *veline* among his party's lists of candidates at the European elections; he had participated at Noemi's party only as a favor to her dad, who was a longtime

¹⁴⁶Veronica Lario: "Le veline candidate? "Ciarpame senza pudore per il potere", from «La Repubblica», April 28th 2009.

¹⁴⁷Veline in lista, l'ira di Berlusconi, "Veronica ha creduto alla sinistra", from «La Repubblica», April 29th 2009.

¹⁴⁸Sannino Conchita, Noemi, la ragazza festeggiata dal premier, "Una sorpresa eccezionale, per me è papi", from «La Repubblica», April 29th 2009.

¹⁴⁹Cresto-Dina Dario, Veronica, addio a Berlusconi, "Ho deciso, chiedo il divorzio", from «La Repubblica», May 3rd 2009.

friend of his, simply because he had unexpectedly an hour of free time. All the rest that was said was only a scheme designed against him, particularly by the enemy left-wing press. He would reiterate such things also during the television program *Porta a Porta*, where he was awarded a whole episode, called “Now I talk”, all for himself.

La Repubblica, however, could not be satisfied with just this explanation, his version of the facts. The newspapers noted, indeed, that the “accusations” against him of, especially, hanging out with underage girls and “not being well”, came from no less than his wife of almost thirty years – who else could have known the truth from a more private side? She had been the only one, indeed, to «shatter the mirror and break the wall of silence» turning not casually to *Repubblica* («whom else could she go to, in a country classified for freedom of the press behind Benin? »), and forcing him, this time, to appear on the public scene. In addition, if this had been a real democratic and civil country, *la Repubblica* added, Berlusconi maybe would have done as Bill Clinton, at the time of his own scandal, did: by replying frankly to the questions he was asked, and not berating about the umpteenth conspiracy against him¹⁵⁰.

This was just the “tip of the iceberg”, indeed, of the Noemi case. *La Repubblica* kept inquiring, demanding clarity; it even interviewed one of the photographers who had worked at Noemi’s party, whose version of the events of that day partially clashed with the account of the premier. Indeed, the photographer suggested that many people, particularly those of the staff working at the club where the party took place, knew about Berlusconi’s upcoming arrival, so much that some of *il Cavaliere*’s bodyguards had also visited the premises in the morning¹⁵¹.

Those were not the only incongruences, however, that the inquiry of *la Repubblica* uncovered. There was the fact that *il Cavaliere* claimed of being friends only with the parents of Noemi, having seen the girls only a couple times, while she described with great details the presents he had given her, how she was just like a daughter he «had brought up» and with whom he enjoyed spending time. The real circumstances of the first meeting and subsequent friendship between Berlusconi and Benedetto Letizia, which sometimes were dated back to the socialist party, other times they were completely shunned.

There were one too many discrepancies, therefore, in Berlusconi’s various descriptions of his involvement with this now infamous party and its characters; *la Repubblica*, therefore, played its ace card: on May 14th, it published the notorious *ten questions* addressed to the Premier, with the goal of uncovering the truth about what had really happened.

¹⁵⁰ Maltese Curzio, *Lo specchio infranto*, from «La Repubblica», May 6th 2009.

¹⁵¹ Sannino Conchita, *Il fotografo e la visita del premier, "La sicurezza arrivò di mattina"*, from «La Repubblica», May 10th 2009.

The questions read as follows:

- 1) Mr. President, how and when did you first meet Noemi Letizia's father?
- 2) During the course of this friendship how many times, and where, have you met?
- 3) How would you describe the reasons for your friendship with Benedetto Letizia?
- 4) Why did you discuss candidates with Mister Letizia, who is not even a member of PDL?
- 5) When did you get to know Noemi Letizia?
- 6) How many times have you met Noemi Letizia, and where?
- 7) Do you take an interest in Noemi and her future, or support her family economically in any way?
- 8) Is it true that you promised Noemi you would help her career in show business or politics?
- 9) Veronica Lario said that you "frequent underage girls." Do you meet any others or "bring them up?"
- 10) Your wife says that you are not well and that you "need help". What is the state of your health?

La Repubblica had addressed them to the Premier already on the previous days; the undersecretary to the Presidency of the council of Ministers, Gianni Letta, had asked for a period of two days to answer them. The answer did not arrive on the agreed date, therefore the newspaper made the questions public.

As briefly mentioned in the previous chapter, once they were published, and within everyone's reach, the reaction of *Chigi Palace* was immediate. In a note sent by the Presidency of the Council, Berlusconi accused *la Repubblica* and its editor of conducting a «denigrating campaign» of «low-level attacks» moved by «envy and hate towards a Prime Minister who has reached the historical peak of the citizens' trust»¹⁵².

As seen before, the reactions in support of the newspaper were numerous, all in favor of the freedom of the press and the duty of journalists to investigate and inform. Even the director of *la Repubblica*, Ezio Mauro, wrote an editorial in response to Berlusconi.

In it, the director stated that it would be much more difficult for *il Cavaliere* to answer their ten questions, than it was for the editorial staff to ask them, because «evidence is against him», and his version of the story, «his endless monologues uninterrupted by any real probing question, is blatantly at variance with the statements made by the other protagonists and above all by what his wife knows and has said»¹⁵³. Mauro asserted, furthermore, that it had been the

¹⁵² Palazzo Chigi: "Da Repubblica campagna denigratoria", from «La Repubblica», May 14th 2009.

¹⁵³ Mauro Ezio, *Responding to the Prime Minister*, from «La Repubblica», May 15th 2009.

reticence of the Premier himself at explaining truthfully and clearly the facts, the driver of the ten questions, the only ones that really had probed his silence; and since he was indeed the Prime Minister, his lack of frankness became immediately a political fact, irremediably correlated to the institutional responsibility to tell the truth.

La Repubblica, therefore, had invested itself with this task of looking for transparency, «without being judgmental and without wanting to prove a point». Instead, Berlusconi had decided to «run away from the real questions [...] and he hurls insults», while a journalistic inquiry had nothing to do with hatred and envy; there was the need, on the other hand, that Berlusconi would «conceive the idea for once that his actions can be investigated and even criticized without anyone hating him»¹⁵⁴.

Finally, Mauro wanted also to demystify the theory of “conspiracy” against the Premier that the latter had been invoking since the beginning of all these events. In fact, he said that it had not been a decision of the newspaper the timetable of the events, their unfolding, the public critiques and divorce, all the proximity with the European elections. On the contrary, it may also be speculated that, reading between the lines of the article, *la Repubblica* was subtly accusing Berlusconi of being the sole responsible for the backlash of his actions; backlash that maybe he had not anticipated indeed in the light of the strong consensus for him at the time.

In the meanwhile, what Mauro had denominated «the Italian photo-romance» was going on. *L'Espresso* published a report on Noemi, describing how she was «in Wonderland»: she had participated at parties held at Berlusconi's houses, especially a New Year's Eve celebration in Sardinia; she had made a photographic book (whose photographs soon went online) to audition for Emilio Fede *Retequattro*'s newscast weather section; she was receiving plenty job offers after the news about her party had come out. Her dreams of fame and notoriety in the show business, therefore, looked promising, and maybe, one day, she could achieve her political visions, too¹⁵⁵.

New details kept piling up, new discoveries were uncovered by *la Repubblica* (such as the participation of Noemi to a gala dinner with fashion exponents at Villa Madama, or at the AC Milan's 2008 Christmas party), and the demands were still left unanswered. The *Espresso Group* brought on its side even the foreign press, when, among the others, *The Times* republished the ten questions and analyzed the happenings, *The Economist*'s former director wondered how Berlusconi could lie and «say whatever he wants and nobody is scandalized»¹⁵⁶;

¹⁵⁴ Ibidem

¹⁵⁵ Pappaianni Claudio, *Noemi nel paese delle meraviglie*, from «L'Espresso», May 14th 2009.

¹⁵⁶ Franceschini Enrico, «*Informare è una missione, premier indifendibile se mente*», from «La Repubblica», May 15th 2009.

El Pais condemned *il Cavaliere*, *The Guardian* expressed support for *la Repubblica*'s perseverance. The American newspapers, too, took an interest in the matter, and *The New York Times* commented that Berlusconi's career was now resembling «the imperial decadence of Fellini's *Satyricon*»¹⁵⁷. The internet, as well, started supporting the inquiry of *la Repubblica*, and on the “magic” platforms of social networks, a Facebook group that urged Berlusconi at answering the questions was born, growing day after day.

It was probably becoming all too much for *il Cavaliere*, who at the same time was facing still the Mills trials. On the 19th of May, to be sure, during a press conference, at the umpteenth request for answers by a journalist from his bitter enemy newspaper, Berlusconi reacted sharply by exclaiming that they all had to feel shameful, because they had built up a whole story on something trifling; he had participated to numerous weddings and celebrations before Noemi's, and nothing had ever happened. He accused *la Repubblica* of being «persecuting a respectable family», of speculating on private matters of which he did not have to respond, and he added that seventy-five percent of the Italian people were still with him, supporting him¹⁵⁸.

By now, it should not be a surprise that the newspaper did not back down after these denunciations; on the contrary, the response of its director came swiftly. There was no room for shame, indeed, for *la Repubblica* to feel after the announcements of the Noemi's case incongruences and subsequent investigations; they were simply the duty of journalists. The only way *il Cavaliere* had to stop the magazine from asking the questions, was by publicly answering them. Finally, the fact that he had such a strong popular support, did not mean he could be immune to the questions and the inquiries; rather, the fact that he believed in such a thing, «to cover the mouth of newspapers, makes us feel ashamed»¹⁵⁹.

Therefore, they kept investigating. They even found Noemi's ex-boyfriend, Gino Flaminio, and interviewed him in order to try and clarify the circumstances of the acquaintance between the girl and Berlusconi.

According to Flaminio, indeed, everything had started in 2008, directly between Noemi and the premier, who had seen her photographic book intended for Fede's weather forecast program, and had decided to call her. Flaminio had not assisted to that first phone call, but Noemi had told him, and he had believed her especially after he had actually heard other conversations between the two. He did confirm that *il Cavaliere* had a paternal behavior towards Noemi, but Flaminio had preferred to detach himself from the situation already in December, when Noemi had left for the Premier's mansion in Sardinia with a girl-friend. To the same vacation, he added,

¹⁵⁷ *Il Nyt*: "Decadente alla *Satyricon*", *Time*: "L'Italia è Berlusconi", from «*La Repubblica*», May 29th 2009.

¹⁵⁸ *Berlusconi attacca Repubblica*, video from «*Repubblica.it*», May 19th 2009.

¹⁵⁹ Mauro Ezio, *Dov'è la vergogna*, from «*La Repubblica*», May 20th 2009.

there had participated about thirty or forty other girls. Their relationship had officially ended in January, but not before they had booked together the club for her party, and the prevision of an appearance by Berlusconi was already in the air. Now, he could only say that Noemi was telling many lies¹⁶⁰.

For *Repubblica*, the interview with Gino Flaminio cleared five out of the ten questions in the list. Indeed, Berlusconi had lied to the public about his relationship with the Letizia family, even more about the acquaintance with Mister Letizia. Now, *Repubblica* wondered about the reason why the Premier had been compelled to lie. Finally, the declarations of mister Flaminio agreed also with the statement of Veronica Lario: *il Cavaliere* did frequent underage girls, since in 2008, Noemi was still seventeen.

The article was not well received; indeed, Elio Letizia announced his decision to sue both his daughter's ex-boyfriend, and *la Repubblica* for defamatory statements. Then, he proceeded to release an interview with a Neapolitan newspaper in which he meant to explain the real situation. The following day, May 26, *Repubblica* proceeded to bring up once again the incongruences between Mister Letizia's accounts and Berlusconi's.

To be sure, Berlusconi, at first, had declared that their relationship had begun at the times of the Socialist Party, which was dissolved in late 1994. According to Elio's version, he had first met *il Cavaliere* in 1990, but the first sparks of friendship were of 2001, seven years after Craxi's party was no more, because they both shared an interest in antique books and postcards. In December 2001, the Letizia family, always according to the head of the household, had travelled to Rome for some shopping, and then Elio had introduced the rest of his family to *il Cavaliere*, who had also been kind and amicable enough to send them a touching letter when they had lost their son to a car accident. Here, once again, this version did not match Berlusconi's, who had stated to have met Noemi at a fashion show, therefore at least in 2005, when the girl would have been the right age to walk the catwalk.

Moreover, *Repubblica* observed other two incongruities. The first one regarded the number of years of this friendship: Berlusconi had claimed to have known the family for more than ten years, while Elio's date of 2001 shortens the timeframe by at least two years. The second one concerns the modality of the meetings with Noemi. Indeed, the Premier had stated that he had seen Noemi no more than four times, always in public, or with her mother like the time in November 2008 at Villa Madama. For Elio, instead, his wife Anna was not there, Noemi had gone to Villa Madama straight away and by herself. Only after the revelations of Noemi's ex-

¹⁶⁰ D'Avanzo Giuseppe, Sannino Conchita, "Così papi Berlusconi entrò nella vita di Noemi", from «La Repubblica», May 24th 2009.

boyfriend, indeed, Berlusconi conceded that during New Year's Eve Noemi had been at his party with no parents, but instead with many other guests; hence, he could not see how that could be «a scandal»¹⁶¹.

Neither for *Repubblica* that was the scandal; on the contrary, the *scandalous* things were indeed the contradictions that the newspaper kept piling up against *il Cavaliere*. And it was scandalous that a powerless family had to justify themselves and be subjected to the public scrutiny to “defend” the Prime Minister, who was the only one who should have encountered the «political case».

Instead, Berlusconi avoided answering these now infamous and always-present ten questions, rather «answering only to the questions he asks himself, without even realizing how discouraging it is to see him appear in the evening news to swear that he does not have sex with underage girls. To avoid these ten questions, the premier prefers this humiliation»¹⁶².

The media circle kept going on, it kept encompassing even more people; the situation seemed unresolvable. There came also the conflict between politicians and newspapers, and newspapers against newspapers. Indeed, Maurizio Gasparri of PDL, and *Il Giornale* (owned by Berlusconi's family) both accused the magazines of *l'Espresso Group*, of having bought the interviews to Noemi's ex-boyfriend and to Laura Drezwicka, a *Big Brother* contestant who claimed to have been contacted by the journalists of *L'Espresso* to narrate of her contacts with Berlusconi. Indeed, the magazines both belied these accusations, with the support of Gino Flaminio, with *Repubblica* even challenging Gasparri to prove that they had paid for the interviews, «authorizing him since now to feel ashamed» in case he could not do so¹⁶³.

Even Veronica Lario was once again made part of the diatribe, she who had wanted to get far away from it all, when Daniela Santanché, leader at the time of *Movimento per l'Italia*, during an interview with the newspaper *Libero* stated that it had been Veronica Lario herself the first to wreck the family, by starting an affair with her Head of Security¹⁶⁴.

Repubblica could not abstain from commenting. This, to the newspaper, was just another tile in this worsening situation of a mosaic of lies. And indeed, «the final blow, the lie used as a punitive baton, is reserved to the first and most influential testimony of the psychophysics instability of the premier and of his days with minors». By stating that Veronica had a partner, a lover, therefore, all her credibility would be erased, her opinions and statements would not

¹⁶¹ D'Avanzo Giuseppe, *La prima ammissione in un rosario di bugie*, from «La Repubblica», May 26th 2009.

¹⁶² D'Avanzo Giuseppe, *Un mese di contraddizioni, poi arriva la verità ad personam*, from «La Repubblica», May 29th 2009.

¹⁶³ Gasparri: *"Repubblica ha pagato Flaminio"*, *La replica della direzione del quotidiano*, from «La Repubblica», May 30th 2009.

¹⁶⁴ Santanché: *"Veronica ha un compagno"*, *Il premier: "Con foto toccato il fondo"*, from «La Repubblica», May 31st 2009.

matter anymore. Consequently, «Berlusconi wants to teach us that, besides his truth, there cannot be another. [...] There can be seen, in the “Casoria crisis”, a use of falsehood as a destructive function of the power that evades the intrusion of reality and obscures the facts»¹⁶⁵.

Then, with the arrival of June, for a couple of weeks, everything went as quiet as it could go. There were no answers, no matter how much the Facebook group called for them; the questions were still lingering there, on the papers, on the websites.

Then, on June 13, the premier issued the statement that was mentioned also in the previous chapter: he told the participants to the Confindustria Conference in Santa Margherita Ligure not to give advertising space to “pessimistic” press; undoubtedly, *Repubblica* and *L'Espresso* were his targets. Moreover, he also “complained” to *Il Corriere della Sera* that four lies had been fabricated about him.

The following day, certainly, *la Repubblica* launched its reply, commenting on these so-called four falsehoods and once again proving *il Cavaliere*'s lies. Two complaints, indeed, are relevant for the topic here discussed.

The first one regarded the *veline* in PDL's electoral lists: Berlusconi claimed they were not “veline” and they all been elected. *La Repubblica* noted that it had been the right-wing newspapers the first one to make notice of these presumed showgirls among the ranks of possible candidates, who had indeed also expressed their discontent once “eliminated”.

Secondly, there was the Noemi case, which for *il Cavaliere* was still a completely normal participation to a birthday party; the newspaper, instead, remarked that there was no normality in such a situation that still had not found its truth, and it summed up what they had been campaigning for the past month.

The other two “blatant lies” that had been fabricated against Berlusconi, finally, regarded his relationship with David Mills (who he claimed to not know in person), and a quarrel about the Premier's use of the State airplanes to transport his private guests (for which he claimed to have always paid)¹⁶⁶.

Little did they know that only three days later, another wave was bound to hit them all.

¹⁶⁵ D'Avanzo Giuseppe, *Il nuovo volto del potere*, from «La Repubblica», June 1st 2009.

¹⁶⁶ D'Avanzo Giuseppe, *Le menzogne del Cavaliere, da Noemi al caso Mills*, from «La Repubblica», June 14th 2009.

3.4 June – July 2009: Patrizia, and *la Repubblica*'s "Ten New Questions"

On June 17th, 2009, it was *Il Corriere della Sera*'s turn to find the scoop. To the Milan daily newspaper, indeed, an Apulian woman named Patrizia D'Addario confessed to being candidate in the Bari's electoral lists for "*La Puglia prima di tutto*" (Apulia before anything), group allied with the PDL, because she had participated at two parties at Grazioli Palace – residence of Silvio Berlusconi.

To be sure, she explained that she had gone to Rome for the first time in mid-October 2008, upon payment of two thousand euros; in Rome, she and other two girls had been picked up by a man called Giampaolo, who had brought them to Grazioli Palace, where Berlusconi later arrived. The situation had repeated itself two weeks later, on the night of the victory of Barack Obama at the presidential elections. That one time, she had spent the night in Berlusconi's home.

She had decided to tell her story to the newspaper because she had felt used by "Gianpaolo" and Berlusconi, to whom she had only asked for help for a project she cared about, and they had not complied even after making promises. To support her statements, moreover, she declared of being in possession of the recordings of the meetings, and the plane tickets for her trips from Bari to Rome, and return¹⁶⁷.

This was not all, however; Patrizia D'Addario testimony reinforced the wiretappings of some entrepreneurs involved in an investigation by the Prosecutor's Office in Bari on contracts in the health sector won by bribes; indeed, the wiretappings recorded these men discussing about money given to girls to take part in Berlusconi's parties, both in Rome and in Sardinia.

One of the men in question, according to *Repubblica*, was indeed Gianpaolo Tarantini, who owned a company of hospital technologies, and who had had contacts with the Premier throughout the years. He, supposedly, was the one in charge of contacting the girls¹⁶⁸.

Another "can of worms", therefore, was opened. The premier was implicated in the Bari inquest; the supposed recordings that D'Addario had made were placed in the safes of the Prosecutor's office, who wanted to verify their hypothesis of induction to prostitution at the hands of Tarantini, who would have employed *escorts* at Berlusconi's parties to win the favor of other powerful people. Other five girls, moreover, were interviewed by the investigators¹⁶⁹.

¹⁶⁷ Sarzanini Fiorenza, *Incontri e candidatura, ecco la mia verità*, from «Il Corriere della Sera», June 17th 2009.

¹⁶⁸ "*Pagata per andare a Palazzo Grazioli*". *A Bari un'inchiesta che scotta*, from «La Repubblica», June 17th 2009.

¹⁶⁹ *Ragazze a pagamento per le feste del premier. Sigillate le registrazioni della D'Addario*, from «La Repubblica», June 18th 2009.

According to an account of *la Repubblica*, indeed, Patrizia D’Addario, the key witness at that moment, was not so secretly an “escort” who frequented the Bari “bourgeoisie” and its clubs, had some participations to local television shows, a calendar and numerous photographic *books* in her résumé. She had even confessed to a friend of having been to Berlusconi’s residence with a «model girl-friend», and everything had been also recorded in the diaries she was used to bring with herself¹⁷⁰.

On the 20th of June, *la Repubblica* found another witness and published a long interview with miss Barbara Montereale, the 23 year-old model friend of D’Addario who had accompanied her, in November 2008, to Rome. She narrated that Tarantini had paid for their trip, but that she had not received any money to take part at the dinner; that a third girl from Bari, whose name she did not remember, had been with them; that the dinner with the Premier had been delightful, and he had given her as a gift some jewelry he had personally designed and Mariano Apicella’s CD. After the dinner, as previously agreed, they had left Patrizia alone with *il Cavaliere*, «to work». Indeed, when D’Addario had come back to the hotel room they shared the following morning, she had told Barbara Montereale that she had had intercourse with Berlusconi; however, she had not been paid, and she did not even care about the money, but only about her project of construction of an apartment complex.

Then, in January, Barbara had been contacted by Tarantini once again and, upon payment of a thousand euros, she had gone to Villa Certosa in Sardinia, one of Berlusconi’s summer residences. There, she had been greeted by Licia Ronzulli¹⁷¹ – who in July 2009 would be elected to the European Parliament with the *People of Freedom* – who was responsible for the logistics of the girls’ trips and the organization around the house. Indeed, there had been at least twenty girls in Villa Certosa, and a few men; all of the girls had referred to Berlusconi as *papi* (daddy). Finally, Barbara affirmed that Berlusconi had been «incredibly sweet, just like a father» with her, who had confessed to him about her difficult situation at home with a young daughter; *il Cavaliere* had given her a kiss on the forehead, and an envelope with «a generous sum». That had been the last time she had had contact with the Premier, and that had been all they had shared; indeed, she did not even agree with her friend Patrizia’s decision to reveal the

¹⁷⁰ Bonini Carlo, *Patrizia e le agendine sui viaggi a Roma, "Sono stata da lui con un'amica modella"*, from «La Repubblica», June 18th 2009.

¹⁷¹ Ronzulli would be consequently interviewed by *L'Espresso* in their report about the candidates for the Euro Parliament, many of which had been seen both at Villa Certosa and Grazioli Palace. At first Ronzulli had denied her participation to a party on the 14th of August 2008; then, once confronted with Montereale’s account, she had issued a statement in which she said she had taken part to different vacations as a guest at Villa Certosa, but always with her husband (who, according to the weekly magazine, never appeared in the pictures).

scoop, and she would have supported the premier «until death» because «At least there's Silvio»¹⁷².

The daily newspaper, however, that day did not stop there. In fact, they got a hold of some significant pieces of records that Patrizia D'Addario had made during her encounters with Berlusconi; the same records that had been classified by the Prosecution Office in Bari.

A portion of registration from October 2008 had D'Addario introduce herself with another name, namely Alessia, and talk to the Premier about the difficulties of being a woman realtor; on the background, the voice of Berlusconi could be heard describing some paintings.

On November 4th 2008, *il Cavaliere* was recorded saying that he would go take a shower and put on a robe; Patrizia could wait for him «on the big bed». In the meantime, Obama won the presidential elections; voices on the background reminded Berlusconi of his institutional appointments – namely, the participation to an official event hosted by the *Fondazione Italia-USA*, to which Berlusconi never went. The following day, already back to her hotel, D'Addario received a phone call and taped that as well. The voice of the premier was distinguishable, he asked her how she was feeling and she replied that she was «a bit hoarse». To this, Berlusconi ironically replied that he was surprised, since he «had not heard any shrieks». Subsequently, she received a phone call from Tarantini, to whom she bitterly noticed that she had not received the promised two thousand euros for the previous meeting, since she had not stayed the night. Moreover, *la Repubblica* even mentioned a few pictures that D'Addario had taken with her cellphone; one, revealed first by *Il Corriere*, captured Veronica Lario's photo; the others, instead, were of *il Cavaliere's* private rooms¹⁷³.

Repubblica hit the third jackpot the following day, when it found the third girl that had accompanied Patrizia D'Addario and Barbara Montereale to Grazioli Palace. Lucia Rossini (her name became of public knowledge only a few days later, for privacy reasons) revealed that Tarantini had contacted her, but she had not received any money for attending the dinner party in Rome; nor did she know if the other two women were being paid. They had reached Berlusconi's residence by Tarantini's car, without being controlled at the entrance since the man had called to inform of their arrival. She recounted the President's kindness, the jokes he had told, and how much he had cared for showing them the pictures of his family. She added that she had received a few presents, jewelry shaped like a butterfly and a turtle, and a few statues. They all had stayed at Grazioli Palace for about two or three hours, and then they had

¹⁷² Berizzi Paolo, De Matteis Gabriella, "Io, Silvio e le altre ragazze, tutte lo chiamavano Papi", from «La Repubblica», June 20th 2009.

¹⁷³ Bonini Carlo, *Quell'invito del premier a Patrizia, "Vai ad aspettarmi nel letto grande"*, from «La Repubblica», June 20th 2009.

all left, everyone but Patrizia. Lucia never saw any of them anymore. She, unlike the other two, had never been offered a candidature¹⁷⁴.

That same day, in light of all that had been discovered in those two months, Scalfari's comment arrived. He wrote that Italy's consideration in the world was reaching the lowest level, as the astonishment of the international public opinion grew. Now, indeed, there was «a *suburra*, Trimalchio's banquets, [...] a premier under blackmail [who] has to prove that the facts are not the ones narrated and proved by his blackmailers; a private life of the head of government sprinkled with excesses, alimeted by a cortege of suck-ups and managed by people recompensed with seats in Parliament in Rome and Strasbourg, which disfigures the image of the State and of the country, and it cannot be tolerated anymore»¹⁷⁵.

Nothing, however, stopped. On the contrary, on June 22, *la Repubblica* published another interview with Barbara Montereale, correlated with some pictures she had taken at Grazioli Palace. She stated that she was giving them to the daily newspaper because she did not to earn anything from the whole story, she was still a supporter of the Premier; she was only interested in sharing the truth and making clear that she was not an escort, as it was being suggested after D'Addario's revelations.

The photo showed the bathroom of Grazioli Palace, the room Barbara and Patrizia D'Addario had shared at the Hotel de Russie in Rome, of the two going shopping in Via del Corso (where, according to Montereale, D'Addario could go into a store and buy what she wanted, since somebody else would have paid later for her). Subsequently, she told the journalists that she did not remember the names of the supposed thirty girls that had testified at the Prosecutor's office in Bari about the parties at Villa Certosa, since most of them came from Eastern Europe and they had not bonded. According to Montereale, these girls were in constant competition with each other to win over the affinity with *il Cavaliere*, and they had appeared in a video she had seen, dressed up as Santa Clause¹⁷⁶.

Certainly, *la Repubblica* continuous investigations attracted the opposition of those who, instead, supported Berlusconi. Critical, indeed, and exemplar was the comment by Sandro Bondi, at the time Minister of Cultural Heritage and Activities, in a letter to *Il Giornale*. He,

¹⁷⁴ Berizzi Paolo, Bonini Carlo, "Andai a cena dal Cavaliere, vidi che Patrizia restò da lui", from «La Repubblica», June 21st 2009.

¹⁷⁵ Scalfari Eugenio, *Un premier sotto ricatto ed una suburra di Stato*, from «La Repubblica», June 21st, 2009. The term *suburra* identifies a disreputable part of a city, from the Ancient Roman neighborhood of the same name that had become locations of dishonesty and brothels. Trimalchio, instead, was a character from Petronius's *Satyricon*, renowned for his lavishing and excessive dinner parties.

¹⁷⁶ Berizzi Paolo, Bonini Carlo, "Ragazze slave a Villa Certosa, erano vestite da Babbo Natale", from «La Repubblica», June 22st 2009

indeed, communicated that to him, the daily newspaper was insidious for democracy, conspiring with the left and always oriented to the mission of hate and de-legitimation of Berlusconi.

Of course, such pronouncements arose the critiques of the center-right, as well, not only of the opposition *per se*. The accused publication, instead, replied that the attack of the Bondi, «in its rolling misery», did not deserve more than a very short comment. In it, they underlined how only in such a country, a Minister of Culture could say similar things toward a means of information; therefore, probably he had an understanding of democracy that «did not envisaged counter-powers and public opinion, but only subjects»¹⁷⁷.

On the contrary, *la Repubblica* itself lamented how small a coverage of the so-called Barigate was being undertaken by the other Italian media, especially the newscast – which were, indeed, the main source of information used by the population, much more than the printed press was. To be sure, the newspaper often blamed the news for not highlighting the events enough, or purposely giving vague details about what was really happening, probably in an effort to “hide” the occurrences that were instead widely reported by, for example, the international press (to which D’Addario had talked, too). Once again, therefore, the struggle between the printed press and the television came back to the surface. Indeed, the flagship of *L’Espresso Group* wrote that the «resetting of the scandal of the regime’s prostitution» was «a scandal within a scandal», not only for the complacent indifference of the television channels, but also for the degradation that permeated the institutions – as if morals had been forgotten, supported by the «hynoses of the television dark», while only the newspapers kept asking for answers¹⁷⁸.

The conflict between Berlusconi and the witness who had “rattled him out” went on. The *Premier* released an interview on the weekly publication *CHI*, owned by *Mondadori*, in which he dismissed all of Patrizia D’Addario’s accusation about having had to pay a woman, claiming that she was lying because she was being paid by someone to do so. In the meanwhile, D’Addario kept delivering tapes of recordings from the nights at Grazioli Palace to the Fiscal Police, and she kept defending her revelations as true, no matter how much Berlusconi denied them.

On the 25th of June, indeed, Patrizia D’Addario once more turned to *la Repubblica* for an interview. She claimed that she remembered every detail about her encounters with Berlusconi, even though he was maintaining that he had forgotten her face and did not know her name. She

¹⁷⁷ Milella Liana, *Da Bondi attacco a Repubblica "Un pericolo per la democrazia"*, from «La Repubblica», June 23rd, 2009.

¹⁷⁸ Berselli Edmondo, *L’amnesia della morale*, from «La Repubblica», June 23rd, 2009

also defended herself, saying that she was not being paid by anyone to blackmail or threaten the Premier; she was only feeling deceived, that was the reason she was talking.

She described once again some details of the night, how she had been paid only for the first time had participated to a dinner, and not for the time she had actually spent the night at the Palace – in that occasion, she had only received the animal-shaped jewelry. She recounted that all the girls were wearing short black dresses as they had been told, and they had all appeared of Italian nationality. An extensive, celebratory video had been projected, and girls had done the *wave*. The dinner, too, had been prolonged, interrupted by songs, jokes, dances – she had danced with the Premier as well, to the notes of Sinatra's *My way*. She, however, had had the feeling that it was all «a harem», a «serious thing» she was well accustomed with, since she «had gone three times to Dubai»; and she had not liked that situation, because while «the sheiks respect their wives, they show them off with pride, there was just one sheik: him»¹⁷⁹.

All that Berlusconi commented, about these affirmations, was that what had happened at his parties had all been normal, and that if people were amazed by them, it was not his fault – he was simply an entertainer, and sometimes there could be the possibility of having the wrong guests for dinner.

La Repubblica, instead, played its “big” ace card. Indeed, the following day, it published a new set of *ten questions*, this time adjourned with the findings of the Bari inquest on the escorts. The new questions read as follows:

- 1) Mr. Prime Minister, when did you first have the chance to meet Noemi Letizia? How many times did you meet her and where? Have you frequented other minors, and do you still do so?
- 2) What is the reason that forced you to not tell the truth for two months, instead giving four different versions of your acquaintance with Noemi before making two belated admissions?
- 3) Do you not find it a serious matter, for Italian democracy and for your leadership, that you repaid the girls that call you “papi” (daddy) with candidatures and promises of political responsibilities?
- 4) You stayed with a prostitute the night of November 4, 2008 and, according to judicial investigations, dozens of “call girls” have been taken to your residences. Were you aware that they were prostitutes? If not, are you able to guarantee that those encounters haven't

¹⁷⁹ Sannino Conchita, Bonini Carlo, “*Silvio sapeva tutto di me, ecco perché non può dire di avermi dimenticata*”, from «*La Repubblica*», June 25th, 2009

made you vulnerable, which is to say subject to blackmail, as demonstrated by the recordings of Patrizia D'Addario and the photos of Barbara Montereale?

- 5) Has it ever happened that "official government flights" without you aboard were used to take female party guests to your residences?
- 6) Can you say without fear of contradiction that the people you keep company with haven't caused prejudice to affairs of State? Can you reassure the country and our allies that no female guest of yours possess arms of blackmail that diminish your political independence, domestic and international?
- 7) Your conduct contradicts your policies: would you still be able today to attend a Family Day demonstration or sign a law punishing the customer of a prostitute?
- 8) Do you still consider yourself eligible for the office of President of the Republic? If not, do you think that a person that common opinion considers unfit for the Quirinale presidential palace can fulfil his duties as Prime Minister?
- 9) You have spoken of a "subversive plan" that threatens you. Can you guarantee not having used and not wanting to use intelligence and the police force against witnesses, magistrates and journalists?
- 10) In light of what has emerged in the last two months, what, Mr. Prime Minister, is your state of health?

Berlusconi, evidently, decided not to give answer to any of these questions, either – maybe hoping that by continuing on ignoring them, the curiosity would just deflate. There were bigger problems starting to pile up at the horizon, the financial crisis was waving through the economy, the 35th G8 summit was being organized in an Aquila still shocked by the aftermath of its massive and destructive earthquake.

The *Espresso Group's* plan, however, were different.

In July, indeed, *L'Espresso* published as an exclusive on its website the tapings of Patrizia D'Addario, with relative transcriptions. The tangible proofs, where the voices of each protagonist, the background noises of the dinners with their videos and their music, the chatters on the morning of November 5th, were clearly distinguishable, now available to everyone, it would have been even more difficult for the Premier to keep denying what had happened. The recordings resounded restlessly all through the international press; and still, Berlusconi's lawyer and PDL Member of Parliament, Nicolò Ghedini asserted that the audio was valueless, implausible, an invention, and that it was necessary to find out how the journalist had acquired them, since the recordings were supposed to be locked up in Bari's Public Prosecution Office. In the meanwhile, the Premier was consoling himself by believing still that the story was going to wind down by itself, especially because no one was following up what *la Repubblica* and

L'Espresso were doing, by therefore having faith in the fact that the two newspapers would find themselves alone in fighting the battle. Therefore, he would not be conditioned in actually doing something; ignoring the matter was still the best strategy¹⁸⁰.

The complete opposite opinion, on the other hand, was the one belonging to *la Repubblica*. Berlusconi's silence, along with his lies, in fact, were interpreted as evidence of his impossibility to answer any of the questions he was asked. He surely had tried, but he had not been able to avoid contradicting or belying himself, falling deeper and deeper in the trap of falsehood and throwing off track. Among his lies, however, the newspaper reminded of two "institutional" truths that could not be avoided: the disapproval of not only the other power groups of the Italian politics, on both sides of the spectrum, but also of the Catholic Church, with which Berlusconi had always had a close relationship. To them, indeed, scandals of prostitution and «libertine conduct» were too much to be content. Still, no matter how institutional and political these "gossips" were, it could not be expected from Berlusconi to solve them in an institutional matter – that is, inside the Parliament, as it had been suggested by members of the opposition. That was because *il Cavaliere* was seen as a «post-democratic showman», and «before an institutional mechanism that could invite him to exit from the dark side of his power and his actions, all his cultural solitude is seen, the certainty of being free from the laws can be felt. [...] He could not accept that a "deaf and grey" room could call into question his role and his power»¹⁸¹. Therefore, he was endlessly entangled in the web he himself had created.

Yet, even more for all these reasons, *la Repubblica* invoked the necessity not to let these events slip away into oblivion, the essentiality of «not getting tired of insisting» with the inquires. There was the need for clarity about the whole situation, in order to avoid impunity and restore the «honor of the political responsibility»; truth was necessary for «avoiding any contamination of the democratic system», and it had to be a limpid truth, a "free" truth resulting from «an open process of knowledge [...] radically distanced from that production of official truth typical of the political absolutism»¹⁸².

Therefore, *la Repubblica* insisted, unveiling new details every time it had the opportunity to do so, always backed up by the foreign press.

They insisted so much, that in August 2009, Berlusconi sued *L'Espresso Group*, asking for one million euros as compensation for the great damage he had endured. Driver of this summons

¹⁸⁰ Bei Francesco, *L'ira di Berlusconi: "Non mi farò condizionare tanto nessuno seguirà quei giornali"*, from «La Repubblica», July 21st, 2009

¹⁸¹ Berselli Edmondo, *Verità finte e bugie vere*, from «La Repubblica», July 15th, 2009

¹⁸² Rodotà Stefano, *Il dovere della chiarezza*, from «La Repubblica», July 13th, 2009

were not only the “ten new questions” of June 26, but also an article, published a few days before, that collected not-so-subtle opinions from the foreign press¹⁸³. The latter was not left alone either, as Berlusconi’s lawyer showed intentions of legally proceeding against them as well. All were, to be sure, accused of being slanderous towards *il Cavaliere*. The ten questions, above all, were seen as being «rhetorical, [...] designed to insinuate in the reader the idea that the person “interrogated” refuses to answer, [...] clearly defamatory because the reader is induced to think that the formulated proposition is [...] affirmative and he is pushed to acknowledge as truthful circumstances, situations *de facto* unreal»¹⁸⁴.

As briefly mentioned in the previous chapter, the response in support of *la Repubblica* was almost overwhelming; from the parties of the opposition, as well as the former President of the Republic Ciampi, passing through the social networks, to the international newspapers, there was a great mobilization in support and defense of freedom of the press and right to information.

The daily newspaper, in itself, interpreted the attack of *il Cavaliere* as the umpteenth confirmation of his inability and impossibility at answering the questions they posed him. Ezio Mauro, indeed, stated this thesis in a short editorial, in which he also reminded that this was the first time, in a free country, that a politician sued questions he had been asked. This behavior, moreover, showed the Premier’s «intolerance for any control, for any critique, for any space of journalistic inquiry that eludes the dominion of the owner or the intimidation of a power that conceives itself as absolute and unassailable». This was, also, however, a proof of the fragility of such a power if it could be cracked by some questions, and it had to resort to shutting them down and prevent the access to them to save itself¹⁸⁵.

The author of the infamous inquiry, Giuseppe D’Avanzo, too responded to *il Cavaliere*’s lawsuit. He stated, indeed, that all the questions were derived from the facts narrated by people directly involved, whose testimonies had been verified and never belied. It had been a right of a newspaper to ask them, just as it was a duty for Berlusconi to answer them, in light of the evident public interest they held. Once again, Berlusconi’s was an attempt at showing how only his truth could be *the* one. «The scold’s bridle that Berlusconi asks the judge to impose shows the new face, until now hidden by a smile, of a ruthless power. [...] It is a strategy that wants to reduce the facts to negligible opinions leaving the field free to a deliberate lie that suffocates

¹⁸³ The opening of the article was indeed “*Sex, powers, and lies*”, which was the title of a piece from *Le Nouvel Observateur*, and which efficiently summed up the feeling of the international newspapers about the matter, sometimes crueller with their comments than *la Repubblica*.

¹⁸⁴ Nigro Luciano, *Berlusconi fa causa alle 10 domande, Chiesto un milione di risarcimento*, from «La Repubblica», August 28th, 2009

¹⁸⁵ Mauro Ezio, *Insabbiare*, from «La Repubblica», August 28th, 2009

reality and when there is who is not willing to accept nor to get used to that lie, invokes the punitive power of the State to impede even the doubt, even a question»¹⁸⁶.

The judicial inquiry, in the meanwhile, proceeded all through the end of the summer and the beginning of autumn.

La Repubblica, indeed, kept re-publishing from *Il Corriere* the now-released wiretapping between Berlusconi and Tarantini, as well as the latter's transcripts from his interrogations in Bari. In them, indeed, it was revealed that about thirty girls had been contacted for eighteen soirees at Grazioli Palace. Tarantini, however, defended *il Cavaliere* by stating that only he was in charge of the payments of the girls, and that Berlusconi had not known that some of them were escorts.

In the meanwhile, the flagship of *L'Espresso Group* reported that Berlusconi had decided to switch up his tactics; indeed, his first strategy of "ignoring" the situation had failed, so now, strong with the lawsuit against his enemy editorial group, with the 68.4% of popular support and his personal belief of having been the best premier Italy had had in 150 years of history, he could start the war and respond to every blow that was aimed at him. Now, he was "threatening" Patrizia D'Addario with the prospect of up to eighteen years in jail, if he would decide to sue her, too; he, after all, had never paid for «sexual service», because «in the homeland of Casanova and playboys, to whom loves to conquer, the greatest joy is the conquest». All the rest had just all been invented by the newspapers, it was all «lies and calumnies»¹⁸⁷.

And finally, in November, after 175 days, ten hours and 18 minutes, Berlusconi allowed for some answers to the ten questions for Bruno Vespa's (a television journalist and collaborator for *Mondadori's Panorama*) latest book (published by *Mondadori*) *Donne di cuori*.

Repubblica, of course, published the Q&A sections, along with its own comments about the still-present contradictions and omissions that they spotted. They are reported, in a shortened version, below¹⁸⁸:

- 1) *Mr. Prime Minister, when did you first have the chance to meet Noemi Letizia? How many times did you meet her and where? Have you frequented other minors, and do you still do so?*

Berlusconi maintains of never having had an affair with Noemi, and that «everything that has been said and written is just slander». He then listed the four and only times he had

¹⁸⁶ D'Avanzo Giuseppe, *La menzogna come potere*, from «La Repubblica», August 28th, 2009

¹⁸⁷ Luzi Gianluca, *Berlusconi: Mai pagato una donna, la D'Addario rischia 18 anni di galera*, from «La Repubblica», September 11th, 2009

¹⁸⁸ D'Avanzo Giuseppe, *Berlusconi's answers and the missing truths*, from «La Repubblica», November 6th, 2009

met her. *Repubblica* noted that this was in contradiction with Elio Letizia's version, and some of Berlusconi's previous statements, too.

- 2) *What is the reason that forced you to not tell the truth for two months, instead giving four different versions of your acquaintance with Noemi before making two belated admissions?*

Question not answered by *Il Cavaliere*. *Repubblica* speculated he could not answer without contradicting himself.

- 3) *Do you not find it a serious matter, for Italian democracy and for your leadership, that you repaid the girls that call you "papi" (daddy) with candidatures and promises of political responsibilities?*

Berlusconi stated that the positions were offered only to «women with a high-level moral, intellectual, cultural and professional profile». *Repubblica* commented that this was not the truth everybody knew, and especially not the truth known by the center-right newspapers who had been the first to uncover the scoop.

- 4) *You stayed with a prostitute the night of November 4, 2008 and, according to judicial investigations, dozens of "call girls" have been taken to your residences. Were you aware that they were prostitutes?*

Berlusconi replied that there had been a dinner with many people, organized by militants of his "fan clubs"; at the last minute, Tarantini had arrived with two women. *Repubblica* listed various incongruences with this statement: the girls had been three, not two; that night there had not been many people, and certainly not militants of "Go, Silvio!" (they had been at Villa Certosa); Tarantini had planned the visit with at least one day in advance (as confirmed by the wiretaps).

- 5) *Has it ever happened that "official government flights" without you aboard were used to take female party guests to your residences?*

Berlusconi replied that the magistracy had dropped the case, and that he had five private planes he could use whenever he wanted, so he did not need the State's ones.

Repubblica underlined how the rules for the "official government flights" had been changed in July 2008 by the Premiership, allowing for more discretion in the composition of the passengers. Moreover, there were still open proceedings both at Regional Administrative Court of Lazio, and at the EU Commission.

- 6) *Can you say without fear of contradiction that the people you keep company with haven't caused prejudice to affairs of State? Can you reassure the country and our allies that no female guest of yours possess arms of blackmail that diminish your political independence, domestic and international?*

Berlusconi denied being liable to be blackmailed, and asserted that he had always turned to the judiciary when he had ever received "suspected blackmails". *Repubblica* highlighted that he himself had commented how D'Addario's testimonies had made him

vulnerable; moreover, they commented how he had actually been wary of turning to the magistracy in the past.

- 7) *Your conduct contradicts your policies: would you still be able today to attend a Family Day demonstration or sign a law punishing the customer of a prostitute?*

No answer for this question.

- 8) *Do you still consider yourself eligible for the office of President of the Republic? If not, do you think that a person that common opinion considers unfit for the Quirinale presidential palace can fulfil his duties as Prime Minister?*

Berlusconi stated that his best candidate for the office was actually Gianni Letta. *Repubblica* responds that the «lie is surprising» because everybody knew he wanted the Presidency of the Republic, since he had made statements about the possibility.

- 9) *You have spoken of a "subversive plan" that threatens you. Can you guarantee not having used and not wanting to use intelligence and the police force against witnesses, magistrates and journalists?*

Berlusconi reinforced the idea that the attacks against him were clear for everybody to see, but that he had not used such resources against anyone. *Repubblica* reminded that in the previous legislature (2001/2006), the «military intelligence governed by Berlusconi, set to work against real or presumed adversaries of the head of government and his party». This had been somewhat confirmed by hundreds of reports and papers on magistrates, politicians, journalists, and so on, and by a 23 page long report with a program to «disjointing the opposition to the government with traumatic means», that had been sequestered from the office of SISMI director.

- 10) *In light of what has emerged in recent months, what, Mr. Prime Minister, is your state of health?*

Berlusconi replied that, apart for a stiff neck and an episode of scarlet fever, he was in excellent health, and that was what had permitted him to take on his extremely busy schedule. *Repubblica* commented that they were glad the Premier was feeling so well, but that Veronica Lario's comments at the beginning of all these events should not be forgotten.

Director Ezio Mauro as well commented on this final decision of *il Cavaliere*. At first, he stated that it was an encouraging things the fact that finally Berlusconi felt the responsibility to respond to the public opinion that had been pressuring him for truth. After all that had happened, after the scandals, the quarrels, the insults and the attacks, it could almost be seen as a “small victory”. However, still the premier had answered «in a roundabout way», choosing not to answer directly to whom had created the questions, but rather through the pages of a book made

by his publishing house, «asking his interviewer – notary to rephrase the questions. [...] Thus, a controlled and protected political operation, where the Premier's interest is not the truth to be clarified, but the newspapers' pressure to be eased». Consequently, the truth had not really been explicated to the public, because as the comment of the daily newspaper had showed, there had been no explanations or circumstances told to really highlight the facts. Indeed, Mauro concluded that Berlusconi had «answered in the only embarrassed, vague and wary way that he can allow himself today. The real answer – this is the point – is the political conscience of this limit, that while the Premier replies, the fundamental question of the truth is still intact and open»¹⁸⁹.

However, that, for the time being, would be all; and yet, it could not be completely *all*. Indeed, it was time for the third, great inquest of *la Repubblica* vs. Berlusconi: the so-called Rubygate.

3.5 2010-2011: Ruby, thief of hearts

It was October 28th, 2010, when the scandal about Ruby Rubacuori, *alias* Karima El Mahroug, exploded on the pages of newspapers. Pietro Colaprico and Giuseppe D'Avanzo (almost inevitably) immediately began to narrate the events, who had happened in May of the same year.

To be sure, Ruby, an underage girl from Morocco, had been brought to the central police station in Milan after being accused of having stolen almost three thousand euros and some jewelry from the house of a girl she had met the previous night in a club. Once at the police station, she was found with no documents, no house or relatives, no one who was answering to the number she had provided; most of all, she was underage (her eighteenth birthday would have been on November 11th), and she had already run away from the family center she had lived in Sicily, so there was only one procedure to follow: she had to be sent to an *ad hoc* community. However, when it was already rounding midnight and the police officers were beginning the needed process, a functionary arrived saying that everything had to be stopped. She told her colleagues that the Head of the Cabinet, Pietro Ostuni, had been calling, and so was the Presidency of the Council, in Rome. They were communicating that the girl had to be let go, because she was the granddaughter of the Egyptian President Hosni Mubarak. There was indeed someone waiting for her: Nicole Minetti, regional councilor for Lombardia. At almost

¹⁸⁹ Mauro Ezio, *The responsibility of power*, from «La Repubblica», November 6th, 2009

three in the morning, after the calls from Chigi Palace to the Head of Cabinet, and the approval of the attorney general for minors, Nicole would get the custody of Ruby¹⁹⁰.

La Repubblica went on saying that what had happened after the two women had left the police station had been revealed by Ruby herself, but only in the following July, when the Tribunal for Minors and the Prosecutor's Office in Milan began the *pool* for sexual crimes. And so, Ruby narrated that Nicole Minetti had called Silvio Berlusconi as soon as they had been out of the station, because it had been the Premier to send her there and to check on the situation, pleading her to keep him informed. The 17-year-old talked as well with *il Cavaliere*, who supposedly told her that she was not Egyptian, she was not of age, but he cared about her nonetheless¹⁹¹.

It was now necessary, clarified the daily newspaper, to completely understand the relationship between the Premier and Ruby, to distinguish what in Ruby's account was true and what was not. Their bond, indeed, was object of the judicial investigation, based on the hypothesis of facilitation of prostitution, in which *il Cavaliere* was not indicted, but Nicole Minetti along with Emilio Fede and Lele Mora¹⁹², on the other hand, were.

There had been the testimony of Ruby, however, that she had never had sexual intercourse with the premier, and that she had actually lied to him about her age, telling him that she was twenty-four rather than seventeen. According to her, only Minetti and Mora knew about her real age. However, her acquaintance with the Premier revolved around those three times she had participated at parties in Arcore – a municipality in Brianza where Berlusconi owned a mansion, Villa San Martino.

Ruby, to be sure, narrated to the prosecutor's office that she had been spotted by Emilio Fede (who, as mentioned before, was the director of the newscast of *Retequattro* and close friend of Berlusconi) the previous year, while still in Sicily, during a beauty contest for which he was a juror. Then, Fede had introduced her to Lele Mora, who could help her with a career in the show business. It was then that she left Sicily for Milan, Italian capital of fashion and nightlife. On Valentine's Day, no less, she first set foot in Arcore, escorted by Emilio Fede; he and Berlusconi would be the only two men that night, among a group of about twenty girls (whose name *Repubblica* decided not to disclose, even though some were renown). She had gotten a Valentino gown, but she had not spent the night.

¹⁹⁰ Colaprico Piero, D'Avanzo Giuseppe, *Ruby, le feste e il Cavaliere*, "La mia verità sulle notti ad Arcore", from «*La Repubblica*», October 28th, 2010.

¹⁹¹ *Ibidem*.

¹⁹² Lele Mora was a manager and a talent scout for the Italian show business, who had already been involved in other judicial proceedings against him.

The following month, she had returned to Arcore; that had been the first time she had taken part to the so-called *bunga bunga*, which *Repubblica* described as being the «habit of the master of the house to invite some of the guests, the most willing, to an erotic post-dinner»¹⁹³. It had supposedly been stolen from Muḥammad Gheddafi's own harem.

Her third time at Arcore had been a simpler dinner, but with exclusive guests such as George Clooney and his girlfriend at the time, Elisabetta Canalis. The young girl also had shown to the prosecutors some proof of her tales, such as some jewelry, her cellphone that was linked back to satellite in Arcore.

However, apart from the details of the judicial inquiry, what *la Repubblica* wanted to observe was that «Berlusconi has “fallen back” again [...] into a lifestyle that makes his public function vulnerable. His personal obsessions can expose him to uncontrollable pressures», since there were photos, testimonies, pieces of information, and many other girls who could humiliate the Premier, or even worse, blackmail him¹⁹⁴.

Once the news broke, Berlusconi commented only that he was glad to help people in need, since he had «a good heart», and that such revelations were only «media garbage». The non-denial of his actions that his statement showed, however, was almost enough for *Repubblica*. Indeed, with the intervention in aid of Ruby «that power that always privatizes the public function takes another step towards a catastrophic degradation making “public” even the most private sphere of the Chosen One»; and that was not surprising, because «the abuse of power is the most authentic sigil of Silvio Berlusconi's political device»¹⁹⁵.

On 30 October, *Repubblica* obtained an interview with Nicole Minetti, where she confessed that Ruby, even if Nicole had agreed to take her into her custody (they would not have released Ruby otherwise), was not a friend of hers, she had not hosted her in her house, and she had known the Moroccan girl only as she had got to know people that worked in the show business.

Repubblica, however, revealed an inconsistency with what had been said until then. Indeed, if Ruby had never gone to Minetti's house, either the latter had not absolved her functions as guardian, or Ruby had never really been under her custody. Moreover, Ruby had said that when she had been arrested, a common friend had been present at the scene and had alerted Nicole. The latter, however, had claimed she had been called by Berlusconi himself. Therefore, the daily newspaper speculated that it had been Ruby herself to call *il Cavaliere* directly, since minors were allowed to keep their phone with them at the police station. *Repubblica*,

¹⁹³ Colaprico Piero, D'Avanzo Giuseppe, *Ruby, le feste e il Cavaliere*, "La mia verità sulle notti ad Arcore", from «La Repubblica», October 28th, 2010

¹⁹⁴ Ibidem.

¹⁹⁵ D'Avanzo Giuseppe, *L'abuso di potere*, from «La Repubblica», October 29th, 2010

consequently, wondered why that girl was so important that the Premier would act directly, without passing through one of his collaborators. Indeed, the journalists suggested that «Ruby had all the characteristics to cause a catastrophic mess for the Premier»¹⁹⁶. The answers, nonetheless, were left to the judiciary to find.

Once again, *la Repubblica* found the support of the international press on their affirmations of abuse of power; this just alimented the burning fire that the *Rubygate* was.

As the investigations progressed, in fact, it appeared that *il Cavaliere* was once again losing his temper. His now archenemy lamented how he was once again trying to manipulate the facts that kept appearing, and isolating those who tried to propagate the truth. He was therefore committing another abuse of power, when he proclaimed his intention of banning the use by judges of wiretappings in their investigations, as well as the closure for one month of newspapers that violated such a proposed law. Only now, indeed, he wanted to separate his public life from his private events that, if exposed, could create even more scandals. The real scandal, however, always according to *Repubblica*, was the «prostitution that he aliments with his out of control obsessions», and the organization around him that made it all possible¹⁹⁷. This was also made evident when Ruby confessed of not having called the Premier the night she had been arrested, but that it had been a Brazilian prostitute called Michelle, who Ruby said was in possession of the direct telephone numbers of *il Cavaliere* – as if such an availability of contact could not pose a threat to Berlusconi, indeed¹⁹⁸.

The investigations proceeded, getting wider and wider and including even more people; *Repubblica* kept analyzing and reporting as many details as possible, underlining the incongruences, Ruby's fluttering truths and diverse statements; things did not calm down even with the arrival of the New Year.

Right at the beginning of 2011, indeed, *Repubblica* struck again with a list of *tens* – this time, of the ten lies the Premier had said during his television intervention to defend himself. Briefly, they are reported below¹⁹⁹:

- 1) “*I have never threatened anyone.*”

The premier illustrated the phone call between himself and the Head of Cabinet, the night Ruby had been arrested. By no means, it had been a minatory call. *Repubblica's* view was

¹⁹⁶ Colaprico Piero, D'Avanzo Giuseppe, *Caso Ruby, il bluff del Cavaliere tra Procura e finto affidamento*, from «*La Repubblica*», October 30th, 2010

¹⁹⁷ D'Avanzo Giuseppe, *L'abuso di potere/6*, from «*La Repubblica*», November 3rd, 2010

¹⁹⁸ D'Avanzo Giuseppe, *L'abuso di potere/5*, from «*La Repubblica*», November 2nd, 2010

¹⁹⁹ D'Avanzo Giuseppe, *Dalla questura al sesso con Ruby, le dieci menzogne di Berlusconi*, from «*La Repubblica*», January 21st, 2011.

that the Premier knew he was lying, because there had been multiple phone calls; it did not matter if a threat was felt, the functionaries had worked a lot and fast.

- 2) *“I had never had intercourse with Ruby.”*

The Premier reminded how Ruby had stated the same both to lawyers and the press. *Repubblica* commented that the first lawyer Ruby had got was also Lele Mora's. Ruby had met him at his study accompanied by a friend, who had texted the happenings to another friend. In one message, he referred to “hard scenes”. Moreover, the appointment with the lawyer had seemed a debriefing to know what she had revealed to the prosecution office, and prepare a counterattack.

- 3) *“Ruby as well clears my name.”*

Repubblica commented that the proofs showed by the Premier, including a declaration written by the girl, felt insincere, also for the reasons mentioned above.

- 4) *“It is the 28th persecution.”*

Repubblica noted that, up until that moment, the trials faced by Berlusconi were sixteen.

- 5) *“They have been spying on me since January 2010.”*

Berlusconi lamented that he had been indicted only on December 21, seven days after the vote of confidence, therefore the investigations prior to that were formally towards others but substantially he was the controlled one. *Repubblica* replied that the vote of confidence did not matter, Berlusconi was just trying to politicize “a melancholy history of underage prostitutes and abuses of power that had nothing to do with politics”; it was also untrue that his Arcore mansion was kept under surveillance. The investigations, indeed, had started first around Mora, Minetti, and Fede, and only during the fall doubts had arose regarding the direct involvement of Berlusconi.

- 6) *“They violated my home.”*

Berlusconi affirmed that even the Chamber of Deputies knew that, in his house, he carried on parliamentary and governing functions, and the violation it had undergone was violating basic constitutional principles. *Repubblica*, on the other hand, stated that there were no documents of the inquest which proved Berlusconi's residence had been violated; rather, it was worth questioning if it was not *il Cavaliere* itself to “insult” the house.

- 7) *“Milan is incompetent.”*

Berlusconi lamented that the case should have been held at the Monza tribunal, not Milan's. *Repubblica* explained that, since for the crime of malfeasance the competence of the tribunal is decided by where the “advantage” is gained, and the advantage in this case was clearly in Milan, then the Tribunal of Milan was the just choice.

- 8) *“150 officers against 10 girls, my friends were mistreated”.*

Repubblica commented that it was all false. Ten men of the Criminal Investigation Department had taken part to the inquest. Only thirty officers, many of whom women,

had gone to search the houses of the ten friends of *il Cavaliere*. Even people close to Berlusconi denied having being “mistreated”.

9) “*I have never paid a woman.*”

Repubblica reminded that Patrizia D’Addario had been paid, even if “only by” Tarantini. According to the inquest in Milan, moreover, the girls who participated at the Arcore parties all left with at least 500 euros in an envelope; others, Ruby included, had declared of having received even more money. Therefore, «it is useless to say how degraded the dignity of the Premier appears to be».

10) “*I do not have to feel ashamed.*”

Berlusconi said there had been no crime of malfeasance, no induction to prostitution, least of all of minors; on the other hand, it was all an attack by some public prosecutors that had found great resonance in the media. *Repubblica*, on its part, replied that Berlusconi had to feel ashamed for having had relations in 2009 and 2010 with two underage girls, Noemi and Ruby, for having lied to the country, and for not having resigned.

The *Rubygate* went on, unstoppable and overwhelming. In February 2011, Berlusconi, as well as Nicole Minetti, Lele Mora, and Emilio Fede, was formally committed for trial, for the crimes of malfeasance and underage prostitution. *L’Espresso* published a copy of thirty-page long the judicial act; its partner in crime, *Repubblica*, kept publishing the news of the discovery of even more pictures of the parties – “visual proofs” of the *bunga bunga* – the wire transfers made from Berlusconi’s personal account to the girls of the parties, the transcripts of text messages, phone calls, shared among the protagonists of this incredible story, even more testimonies of girls who had been assisted, unwillingly, to the celebrations.

The amount of articles, papers, opinions, documents, and so on, became so great that *Repubblica* and *L’Espresso* even created a new joint website, called no less *The Inquests*, in which they grouped all that they had and would have published, with detailed timelines and audios, videos, and so on.

Indeed, the *Rubygate* was so intense and so prolonged that its precise exam would deserve its own dissertation; what is important to notice here, however, was the relentless media coverage that *Repubblica* and *L’Espresso* did of it. Often and possibly gladly, they published exclusive articles that exposed the details of the judicial proceedings, the incongruences at every testimony, little by little, as they were uncovered – their inquest was basically parallel to the judicial one, driven by their mission of uncovering the facts and deliver them to the public opinion.

It is worth, however, to linger momentarily on the beginning of the conclusion of the *Rubygate*.

On June 24, 2013, three years after the start of the scandal, the first degree Tribunal in Milan condemned Berlusconi to seven years in jail and perpetual interdiction from the public offices. After the sentence, Director Ezio Mauro suggested that it was worth reflecting not on what would happen *afterwards*, but rather on what had happened before the sentence, before the commencement of all these events, to arrive to such a point – to a point where the Prime Minister was condemned for the grave crimes of underage prostitution and malfeasance. He reported that Berlusconi’s defense had claimed that there were no proofs nor victims, but that instead private behaviors had been criminalized in light of moralistic opinions. Mauro, on the other hand, reported the words that already D’Avanzo had used at the beginning of the Ruby scandal: the judgment, indeed, had nothing to do with moralism, but with political motivations such as excess and abuse of power. All of this, he proceeded, was now made more difficult by the work of the judiciary; indeed, the political consequences should have been Berlusconi’s resignation, as it would have been expected in any other country – Mauro, still, did not see that foreseeable in Italy²⁰⁰.

In July 2014, however, Berlusconi was absolved by the Appellate Court, the seven-year jail time cancelled. The motivations, to be sure, were that the *fact of malfeasance did not subsist* and the *fact does not constitute crime of prostitution*. The judges, indeed, accepted the hypothesis that *il Cavaliere* was not aware of Ruby’s minor age.

After the sentence, Mauro once again retorted that there were still many questions that required answers, from the rush of Berlusconi to interfere with the work of the police station, to the risk of diplomatic incident that the claim of Ruby being Mubarak’s granddaughter could have created. And they were not, once again, moralistic interrogatives, but political ones that revolved around the private use of a political position, and needed to be faced²⁰¹. Eugenio Scalfari, too, wrote about the absolution, and cited an article of the Constitution that «forced every public functionary to honor with his public and private behaviors the office he fulfills». To him, the judges who had absolved *il Cavaliere* had deliberately ignored this article, therefore it would be beneficial for it to be remembered at the Court of Cassation – the second degree sentence, indeed, may have had absolved *il Cavaliere*, but it did not «undermine at all the reconstruction of that character who brought to the country humiliation and derision in the whole world»²⁰².

Nonetheless, in March 2015, the Court of Cassation confirmed the previous degree’s sentence – Berlusconi was free from those accusations, yet not from the other proceedings still

²⁰⁰ Mauro Ezio, *Berlusconi condannato, l'abuso e la dismisura*, from «La Repubblica», June 25th, 2013.

²⁰¹ Mauro Ezio, *Una questione politica*, from «La Repubblica», July 19th, 2014.

²⁰² Scalfari Eugenio, *La sentenza forse è giusta ma disonora il paese*, from «La Repubblica», July 20th, 2014.

en route (as for the so-called *Ruby ter*, in which he was accused of having corrupted the witness of the other Ruby trials). Moreover, the Court of Cassation did not deny the existence of the dinners, the *bunga bunga* and its guests – they did not constitute a penal crime, but Berlusconi was not free from those either. Nevertheless, the absolution was presented «as a sort of personal amnesty or national amnesia», no matter the other condemnns (the Mediaset fiscal fraud sentence who had caused his decadence was only two years old) and the still existing lies of the Rubygate, with their political prominence. «In the last berlusconian paradox, the attempt is to recover from the judiciary events that strength lost in the political events. Instead, today Berlusconi does not have an alibi in front of his leadership, exhausted even though acquitted»²⁰³.

3.6 Private and public, a conflicting union

The narration of these entire events, consequently, must have a final *moral - ho mythos dēloi hoti*, for using Aesop’s words.

What it has been tried to show, thus, and what the publication of *L’Espresso Group* have always been discussing, is the blurring between the private sphere and the public, political one – and not because of a “lonely attempt” by these magazine, but because of the actions of the characters involved themselves.

Silvio Berlusconi, indeed, «is the man who united public and private until they were confused with each other, with his biography transformed into an electoral program for the Italians and sent into the homes of fifty million electors at the beginning of his political adventure»²⁰⁴; or with the diffusion of his “private” family pictures through the magazines of his publishing house, aimed at showing the public his paternal qualities; or, as well, with jokes such as confessing that he was named Silvio by his parents because he had been conceived in a grove²⁰⁵.

The tendency of bringing his private life into the limelight to advance his political and public life, indeed, could not have dispensed him from being, therefore, stuck in the public eye once events pertaining his private moments came to the surface. This issue, moreover, is reinforced

²⁰³ Mauro Ezio, *L’assoluzione e l’amnesia*, from «La Repubblica», March 12th, 2015

²⁰⁴ Mauro Ezio, *Una risposta al premier*, from «La Repubblica», May 15th, 2009

²⁰⁵ Ceccarelli Filippo, Ceccarelli Filippo, *La suburra. Sesso e potere: storia breve di due anni indecenti*, Feltrinelli, Milano, 2010, cit. page 99.

The name *Silvio*, indeed, comes from the Latin *Silvius* and hence from *silva*, that is, indeed, wood.

especially if those private moments also held, as it has been shown, doubts about their “suitability” for a common man, and even more for the Prime Minister.

There is no denial, indeed, that the right to privacy is among the most fundamental rights; however, once one shows off so deliberately and frequently, it is hard to go back. And, once again, even more when the protagonist of the events is one, if not *the*, representative of a country, and when his actions intertwine inevitably with the political life.

Eugenio Scalfari, indeed, wrote that it would be almost impossible to separate completely the private sphere of a political man from the public domain, as some may have wished, particularly because it had never happened in the history of politics, and especially not when there was an authoritarian power in place. To be sure, «in times of democracy a thin distance between public and private can subsist, but in authoritarian or absolute regimes that separating curtain falls completely»²⁰⁶.

There is no need to recall the denunciations that *Repubblica* and *L'Espresso* have done, indeed, about the “attitude to power” showed and incarnated by Berlusconi; therefore, such a comment should not come as a surprise. On the contrary, the unfolding of these events, which, as said, reached incredible levels of mixture between public and private, may very well have reinforced in the magazines the idea of Berlusconi’s as an «incoercible egomaniac»²⁰⁷.

To be fair and exact, *il Cavaliere* was not the “creator” of such a political style, the so-called *pop politics*, where there happen the personalization of parties, the spectacularization of politics and thus the medley between the language of politics and the language of the media, and so on. However, he was for Italy the first and great beneficiary of *pop politics* – especially due to the great degree of personalization he was able to reach, aided as well by the use of the media. Therefore, if the «democracy of private» was born, «where the private and family matters become of public interest because the public *is* interested in them», it could not be possible for the man who had made such a great use of *pop politics* to once again cover up what was happening “privately”²⁰⁸.

The other aspect that these inquests opposed was the fusion between sex and politics, which add to the fire of public and private becoming one thing. One’s sexuality rests solely in his own private domain; but when the use of bodies almost as banners, appealing physical characteristics, or sexual encounters (no less in private homes that at the same time are institutional offices), are repaid by the promise of political positions; or when moreover, the public power is (ab)used for the private enjoyment and the private gain, then sex becomes a

²⁰⁶ Scalfari Eugenio, *Le trame e i segreti della corte imperiale*, from «La Repubblica», May 10th, 2009

²⁰⁷ Cordero Franco, *La calda estate del barzelletti*, from «La Repubblica», September 5th, 2009

²⁰⁸ Diamanti Ilvo, *La democrazia del privato*, from «La Repubblica», May 17th, 2009

public issue. It becomes such beyond and above, indeed, simply the moralistic aspects of the story, as *la Repubblica* often commented, but most of all for the political consequences and implications that were caused.

That said, it is also true that there can be found an ethical and “moral” side of the events. Zagrebelsky, in fact, analyzed for *Repubblica* that there can be different and various interferences between the two spheres of life; when, for example, there are occasions of «exploitation of the “appeal of power” to gain advantages in the private life», or when one’s private conduct does not agree with the political and social values that are promoted and wanted to be as widespread as possible. In these cases, therefore, the facts cannot be hidden from the public opinion; not in search of a judgement, however, but because «in democracy, the citizens have the right to know who are their representatives, because these, without being forced by anyone, ask the formers for a vote and establish with them a relationship of trust»²⁰⁹. If, on the other hand, it is more desirable to try to hide these interferences, it may in fact signify that there is the fear of seeing this relationship destroyed – again, the issue is political, more than moral. Then, however, by trying to hiding the “worst private part”, the image of the good and impeccable politician is distorted, it does not correspond anymore to what the public should know and support.

And indeed, this is what *la Repubblica* has frequently accused Berlusconi of doing during these scandals: lying, trying to change the truth in order not to change the perception of him that his supporters had. Using the words of the newspaper, in fact, «as always when he is in trouble, Berlusconi invents his virtual reality, and tries to escape the trap with an acrobat’s vault. He invents a technicolor world that surprises the public, causes admiration, and creates solidarity in the fans». He did so, moreover, in the midst of the scandals, by using the popular weekly magazine of his publishing house, full of gossips, to show the pictures of his family, of his office, by broadcasting the nickname “Superman Grandpa”; once again, therefore, by using the private to advantage the public²¹⁰.

The two sets of ten questions, indeed, and all the articles that deconstructed his affirmations hunting for lies and inconsistencies, therefore, aimed indeed at opposing these stratagems, at bringing out the private exactly for what it was, and now for what he would have liked it to be.

The three scandals above narrated, hence, represented the almost-unbelievable apex of this fusion between public and private; somehow, they became not only a criterion for analyzing and stigmatizing the Premier, but also one to analyze the country, the public that, willing or not, had allowed for all of it to happen with close to none consequences.

²⁰⁹ Zagrebelsky Gustavo, *Quando il potere teme la verità*, from «La Repubblica», July 17th, 2009

²¹⁰ Berselli Edmondo, *La falsa verità del nonno Superman*, from «La Repubblica», August 20th, 2009

Repubblica commented, in fact, that *berlusconism* had had a negative influence on the Italian masses, creating a regime with a Head that many wanted to imitate. «The short circuit that this situation has created in the character of a certain Italy has ensured that Berlusconi shows off his vices, his wealth, the systematic violation of the institutional rules and even of tastefulness and good manners as likewise values. Not one day goes by that he does not brag of those behaviors, of that wealth, of the number of his mansions, of his love for young and beautiful women, of the parties he organizes “to relax”, of the insults and the threats he throws to whom does not hoists his flag. And not one day goes by in that Italy by him evoked and imposed that it does not shower him with applause and does not renovate its trust. The *bunga bunga* scandal is the umpteenth confirmation of all this»²¹¹.

The vase of Pandora, conclusively, had been opened. All the vices had come out, but the most had been able to survive them. As it has been shown, indeed, it had been other reasons that “brought down” *il Cavaliere*, without however breaking his spirit, nor his intentions. *Repubblica* and *L'Espresso*, this time, had to be content with having fought this war, too, with all the arms they had available, with having stated once again their independence, their opposition.

²¹¹ Scalfari Eugenio, *Il bunga bunga che segna la fine di un regno*, from «La Repubblica», October 31st 2010.

CONCLUSIONS

The clash between Silvio Berlusconi and the publications of *L'Espresso Group* has been often severe, almost with no hold barred. It can be said, in fact, that it was very nearly a true war between two parties that could end up being described as bitter enemies. It has been a conflict, indeed, that may have been seesawing in time, with its peaks and its lows that could also reflect the relevance in power of *il Cavaliere*, but it has always accompanied the last twenty years of Italian politics, slowly burning in the background when it was not flaring up as in the cases that have been described.

It could be said that the *Segrate War* was possibly the most tranquil phase of the dispute, even as “flawed” as it was shown to be. It was cadenced by the times and rhythms of that long succession of judicial decisions that proved, however, to be full of revelations as well. Although some interferences of power were shown to be present, it was still a conflict that resolved itself among the walls of economy and the law.

However, in all its long and slow unfolding, and for how “quieter” it could have been compared to the other moments, it still represented the first bud of the conflict, it paved the way for all the other forms of the conflict and somewhat encased them. As it was said, indeed, it may not be possible to completely seal with the word *end* the *Segrate War*. Or better, it could *formally* end with the exhaustion of the available degrees of justice, its main domain indeed. However, the essence of its protagonists, the details uncovered, the somewhat “personal” aspects of the clash make so that its influence has continued and will persist to have a weight on both the relationship of the contenders and the Italian scenery, just like any other “historical” war.

Indeed, the clash is still fought against basically the same two parties, even though it has shifted more on the socio-political sphere, more on the playing field, indeed, of the journalistic activity.

In fact, the great areas of opposition and accusations against Silvio Berlusconi from the magazines of *l'Espresso Group* have been shown; they were quite persistent through the years, mostly encompassed in the idea that *il Cavaliere* was trying to establish a new form of regime based around him. Therefore, *Repubblica*, *l'Espresso* and *MicroMega* denounced the forms of

“aggression towards democracy” that they felt Berlusconi was committing, from his exuberant media power that they felt threatened the freedom of the printed press, already “damaged” by the small percentage of people who rely on newspapers as a source of information, to the direct interferences or attacks he demonstrated towards, indeed, the media system.

Another perceived threat was, in addition, the denunciation of his “rivalry” with the third branch of the judiciary, considered by some the “other bastion” against the raise in power of Berlusconi. Indeed, the publications of *L'Espresso Group* have always appeared to favor the magistracy in a kind of fellowship against him, dismissing the claims Berlusconi made that both those newspapers and the judges, having in common a presumed “red soul”, a left-wing affiliation, were somehow conspiring against him.

Certainly, the magazines always “deflated” the number of judicial proceedings that Berlusconi asserted he had been thrown at to sustain his thesis of being under constant assault from the magistracy; on the other hand, however, the papers always have noted how the quantity was certainly considerable, and that in similar circumstances, another politician from other Western countries may not have been able to carry on with his political career as easily as *il Cavaliere* did. Useful for this goal, moreover, the so-called *ad personam* laws were considered to be, and *la Repubblica* did not fail to carefully examine them, and protest against them, notifying how this was, too, a symbol of wanted regime.

The conflict of interests, finally, was almost like the cherry on top in the battle launched by *L'Espresso Group*'s, which saw it as almost the final confirmation of the blames that they had made throughout the years and that have been here described; that there was indeed an anomaly in the Italian center-right wing.

As it has been shown, Berlusconi never ceased to fight back his opponents, proving a strenuous resistance every time they struck a blow, at times striking harder back.

Finally, in fact, the conflict erupted, possibly stronger than ever, when the sexual scandals shook Italy's political life. Public and private life ended up being inextricably intertwined due to the actions of *il Cavaliere* himself; the magazines of *L'Espresso Group* then feasted on the web he somewhat had trapped himself in, bursting forth with a series of inquests aimed at not only uncovering the truth but also, possibly, discrediting their enemy even more, “closing the circle” of the abuse of power they had decanted about for so long.

Here at that moment, more than ever, *Repubblica* and *L'Espresso* probably saw themselves, sometimes even presented themselves, as a lone island among the sea of Italian media, the main ones who were trying to actually untangled the events in search for answers. Probably, moreover, this was the time when they actually believed (or hoped) that the sequence of events,

such scandals brought and narrated to an extreme level, would have declared the end of the “Berlusconi’s era”.

That, however, was not exactly the case; and the magazines, indeed, showed frustration and complaints about the fact that such a situation could persist in Italy also because of the influence they attributed to the times in government of *il Cavaliere*, to what he could have made of the public opinion.

It may be inferred, on the other hand, that a fraction of their reasons for campaigning against Berlusconi in the end found some resonance and “actuality”, somewhat consecrating as truthful what they had been stating for so long. The 2013 Court of Cassation’s sentence of guilt for fiscal fraud, which ratified the existence of the conflict of interests, and the subsequent decadence from Parliament caused by the judgement, were amongst, indeed, these defining moments of proven truths.

A real, *final* winner, nonetheless, cannot be identified, just like the war cannot be declared over; each one of the parties has won and lost battles, and as said before, the conflict still burns undisturbed and untamed slowly in the background, its consequences still resonant and alive, possibly waiting for another reason to burst, or possibly awaiting to just burn out slowly, and finally sedate.

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- La Repubblica, www.repubblica.it
- Le Inchieste, <http://inchieste.repubblica.it/>
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ABSTRACT

The relevance of Silvio Berlusconi in the political field of what has been called Italy's "second republic" is undeniable, especially for the new "style" of politics he helped establishing in the country, particularly by bringing the process of personalization of politics to an extreme that in Italy had never been reached.

Just as undeniable is, however, the fierce opposition he usually has encountered from the magazines published by *L'Espresso Group*. Indeed, *L'Espresso*, *MicroMega*, and *la Repubblica* especially, have often analyzed and shed a negative light on both the government acts and the *persona* itself of Berlusconi, whom, on his part, has never desisted against such an "enemy", thus embittering a confrontation that often has been severe, almost with no hold barred.

It can be said, in fact, that there has been almost a true war between two parties that now could end up being described as bitter enemies. It has been a persistent conflict, indeed, that may have been seesawing in time, with its peaks and its lows that could also reflect the relevance in power of *il Cavaliere*, but it has always accompanied the last twenty years of Italian politics, slowly burning in the background when it was not flaring up as in the cases that will be here described. To be sure, it has been pursued since even before the beginning of Berlusconi's political career, getting harsher and more intense as the years went by.

The scope of this dissertation, therefore, aims at analyzing the great debates and highest moments of tension between the two protagonists during this twenty years long "war", spanning from the motifs caused more by business reasons, to when the publications felt more "personally" stricken, as well as the "practical" actions that either one of the two parties involved.

The first chapter explores the beginning of such a rivalry through the analysis of the so-called *Segrate War*, a mostly economical and judicial clash that put in contrast Silvio Berlusconi and Carlo De Benedetti over the property of the publishing house Mondadori, in which the two had been major shareholders. The publishing house had overseen the creation of *la Repubblica* through a collaboration with *L'Espresso Group*, and, for a moment, the magazines had all been all under the aegis of Mondadori when Carlo De Benedetti, in 1988, had stipulated a written

agreement with the original owners, the Formenton family, after the death of the head of the family and administrator of the editorial company. However, the Formenton's sudden and to some unexpected changed of mind determined the entrance of Silvio Berlusconi as President at the Headquarters in, indeed, the Milan municipality of Segrate. This resulted in De Benedetti's decision to advocate for the contract he had agreed on and that formed the basis of all he had invested in his "Great Mondadori"; therefore, the dispute was to be settled by a board of arbitrations, which issued the infamous *Lodo Mondadori* around which the whole judiciary events that would follow, would revolve.

Indeed, the *Segrate War* was characterized for the many, complicated, and somewhat controversial trials it had to face, and at each step it appeared that more characters were brought into the play, each one bringing new discoveries along, and more dowels were added to make the situation even more complicated. Issues of corruption, bribery, secret off-shores accounts and paid-off judges plagued it constantly, until it was declared true by the magistracy that Berlusconi's Fininvest had "bought" the sentence on *Lodo Mondadori*, which had declared the latter void, thus assigning Mondadori to Berlusconi. Certainly, such a conflict was revealing of how intertwined Italian politics, business, and mass media were already, how the bond between them and power, of any type, was stronger than it could have been imagined before its unfolding.

However, it still could be said that the *Segrate War* was possibly the most tranquil phase of the dispute, even as "flawed" as it was. It was cadenced by the times and rhythms of that long succession of judicial decisions that proved, however, to be full of revelations as well. Although some interferences of power were present, it was still a conflict that resolved itself among the walls of economy and the law.

Nonetheless, in all its long and slow development, and for how "quieter" it could have been compared to the other moments of the conflict between the *Espresso Group* and Berlusconi, it still represented the first bud of such struggle, it paved the way for all its other forms and somewhat encased them.

Indeed, it may not be possible to completely seal with the word *end* the *Segrate War*. Or better, it could *formally* end with the exhaustion of the available degrees of justice, its main domain indeed; only the penal judicial proceeding for the crime of judicial corruption, and one civil proceeding for De Benedetti's CIR's reimbursement for the loss of Mondadori have been completed, while one other civil trial for even more compensation is still pending. However, the essence of its protagonists, the details uncovered, the somewhat "personal" aspects of the clash, among which presumably also the goal of controlling the "anti-berlusconian", not-so-secretly left-wing *la Repubblica* (that had no intentions of being subjected) through the

acquisition of its at-the-time editorial group, make it so that its influence has continued and will persist to have a weight on both the relationship of the contenders and the Italian scenery, just like any other “historical” war.

Indeed, the clash is still fought against basically the same two parties, even though it has shifted more on the socio-political sphere, more on the playing field, indeed, of the journalistic activity.

The second chapter, moreover, focuses on the main themes that the magazines of *L'Espresso Group* have emphasized strongly to oppose and attack Silvio Berlusconi, in a quite persistent manner throughout the years. In particular, six arguments are presented and underlined.

The first argument, which mostly encompassed all the others, regards the claim that Berlusconi has been trying to establish a new form of regime based around him. There are two main series of reasons that support this idea: one regards the fact that Berlusconi, particularly at the beginning of his political career, has gathered as allies a few parties that may be found remindful of the dictatorial period, such as Alleanza Nazionale and Lega Nord; the second, on the other hand, has brought forward the idea of a somewhat “resemblance” between Berlusconi and Benito Mussolini. This last claim is, however, the amplest and most debated, and provides that *il Cavaliere* is some kind of embodiment of a new form of dictatorship, a new Orwellian Big Brother, which aims at authoritarianism with more modern methods – that are, indeed, mainly the same themes for which *la Repubblica* and *L'Espresso* have attacked Berlusconi.

As it will be shown, indeed, the antiberlusconian press that embraced this view denounced the forms of “aggression towards democracy” that they felt Berlusconi was committing, inspired by a sort of Jacobin belief that majority allows for everything. They did not negate that the basic democratic rules were thrown away, on the contrary, the majority indeed still elects its charismatic leader. However, then the State, and democracy itself, are consequently interpreted as companies of which *il Cavaliere* is the owner, therefore he can act basically as he pleases, careless of the separation of powers, threatening those counter-powers (such as the press and the magistracy) that have opposed him.

The word *regime*, itself, have been used to indicate Berlusconi’s government; and that holds, according to the *L'Espresso Group*, as long as the word does not stop at indicating only *the one* regime, which could never be recreated in history; the term, indeed, has to include the new characteristics that Berlusconi has brought along, such as the excessive power of money, the incredible relevance of the media, the company-like envisioning of the State, and so on; a “post-modern” and post-ideological regime, “Jacobin”, media-focused and populist, which in some ways could be even more treacherous and untrustworthy than the “original one”.

The importance of the media, particularly of television, and indeed the exuberant media power of Berlusconi leads to the second main theme of opposition towards *il Cavaliere*. *La Repubblica* and fellow publications, in fact, have often criticized the actual condition of the media in Italy, affirming that there has not been a proper freedom of opinion in Italy, due to the fact that, being Berlusconi the owner of such a great portion of newspapers and especially television channels, there can be a certain kind of control on what is actually said or written in the media. Not only, also the combining facts that almost 90% of the population relies solely on television as the source for information, thus leaving the newspapers with a small 10%, and that basically half of the available channels are under direct control of Mediaset, the other half (RAI's stations) have been instead indirectly controlled by the majority in government, are seen as an aggravating factor for the freedom of the means of information.

A clash between the two channels of communication, therefore, is almost inevitable; and given the preponderance of Berlusconi in the Italian television system, is practically unavoidable that the clash would be transformed also into a struggle between himself and the press, especially that area of the press that did not support his actions.

Il Cavaliere, on the other hand, has never concealed his reciprocated aversion for the journalistic world, with which he does not share the same cultural universe, and in whose universe he has never been fully allowed to belong. In these differences of horizons, indeed, in this missed acceptance, it could be found one of the reasons why Berlusconi has always had a troubled relationship with the press; the more one opposed the other, the more the conflict got more intense and heated.

Nonetheless, neither "combatant" has ever desisted in the fight; possibly *la Repubblica* has been the strongest opponent in the battle, never backing down from denouncing the occasions of "regime". Among these, there were the "interferences" of *il Cavaliere* with the public television system (such as the so-called *Bulgarian decree*, or the Saccà case); the introduction of the *Gasparri Law*, which the press considered restrictive of the pluralism in the system of information; and again, the direct attacks and the complaints about a sort of "conspiracy" against him concocted by the "left-wing press" that *il Cavaliere* made, indeed, especially against the *L'Espresso Group*.

They were not the only one, however, accused of being plotting against Berlusconi; the magistracy, indeed, has always suffered of a strained relationship with the Premier, and his denunciation of his "rivalry" with the third branch of the judiciary, considered by some the "other bastion" against the raise in power of Berlusconi, were in fact perceived as another threat to the stability of the democracy. Indeed, the publications of *L'Espresso Group* have always appeared to favor the magistracy in a kind of fellowship against him during the times of clash

between the two, dismissing the above-mentioned claims that both those newspapers and the judges, having in common a presumed “red soul”, a left-wing affiliation, were somehow conspiring against him.

On the contrary, the magazines affirmed that, in view of all the Premier’s sometimes even harsh remarks towards the magistracy, it was him to be *obsessed* by the magistracy, not the other way around; he seemed unable to not feel somewhat threatened by so-called “politicized and left-wing” judges, who he saw fixated on the idea of preventing him from governing. The magazines, instead, supported the position that the outbreaks he had against the judiciary were mainly due to his intolerance for the separation of powers, that they were just an attempt, once again, to institute his regime.

Certainly, *Repubblica* and *L’Espresso* always “deflated” the number of judicial proceedings that Berlusconi asserted he had been thrown at to sustain his thesis of being under constant assault from the magistracy; on the other hand, however, the newspapers always have noted how the quantity has been certainly considerable, and that in similar circumstances, another politician from other Western countries may not have been able to carry on with his political career as easily as *il Cavaliere* has done. The matter of his numerous confrontations with justice, as well as his impunity, indeed, are another great theme that *L’Espresso Group* has employed for its campaign of antagonism against Berlusconi.

These publications, to be sure, have always fought hard to demonstrate the “obscure past” of *il Cavaliere*, the one that enabled him to become what he was; maybe, it was because they had been first-hand participants in the judicial proceedings of Berlusconi right from the beginning, right since that one accusation of corruption for the acquisition of the publishing house Mondadori.

Moreover, *la Repubblica* and fellow publications have not failed to carefully examine, and protest against, the so-called *ad personam* laws, which they saw as useful for Berlusconi’s goals of and no less than one of the reasons why he was able to resist as much as he had done to the judicial proceedings and come out of them with no important wounds – in their eyes, indeed another symbol of wanted regime. Consequently, they have inferred that since 2001 there have been eighteen *ad personam* laws, tailored on the necessities and in favor of Berlusconi. Some of them, indeed, have sparked more outrage than others in the newspapers of *L’Espresso Group*, such as the *Law Cirami* on legitimate suspicion, the already mentioned *Gasparri Law*, the two connected *Lodo Schifani* and *Lodo Alfano*, and the *Ex-Cirelli Law*.

All of this, therefore, adds up to the inkling that these publications have never stopped trying to gain a broad consensus against Berlusconi (and what he stood for), by informing the public especially about his more “darker” side.

The conflict of interests, finally, was almost like the cherry on top in the battle launched by *L'Espresso Group's*, which saw it as almost the final confirmation of the blames that they had made throughout the years; that there was indeed an anomaly in the Italian center-right wing. The problem has been persistent since the beginning of Berlusconi's political career, due to the fact that he was the proprietor of such important segments of the editorial world, of the media communications and advertisement, of the construction industry, and so on; therefore, *Repubblica* has always been concerned about the fact that the conflict of interest was a slice of a bigger issue, which was the concentration of powers Berlusconi could achieve to in case of his political victory, when he could have indeed organized the laws to better conform his gain.

Such an accumulation of powers, from indeed the editorial to the financial and to the political world, according to *l'Espresso Group*, would have not been possible in European countries; therefore, the obvious conflict of interests that hovered on *il Cavaliere* was seen as a shadow suspended over Italy itself as well, somehow "devaluing" it and transforming it to an instable, dormant, uninterested nation which did not belong among the more advanced European countries; once more, the problems of Berlusconi became problems of the whole nation.

Berlusconi, on his part, has never ceased to fight back his opponents, proving a strenuous resistance every time they struck a blow, at times striking harder back. The third and final chapter, conclusively, on the moment when the conflict between *l'Espresso Group's* publications and Berlusconi erupted possibly stronger than ever, after three diverse but correlated sexual scandals hit *il Cavaliere* and shook Italy's political life, uncovering the deep intertwining and the blurring lines among, indeed, the public life and the private sphere.

To be precise, the section tackles particularly on the 2007-2011 period, beginning with the first letter of Veronica Lario to *la Repubblica*, when she demanded for public apologies for her husband's public comments about other women that she felt undignified her as a woman. Then, it moves onto the "scandal" of the supposed *veline* (women from the show business) candidates in the ranks of *People of Freedom's* lists for the European elections, which happened around the same times as the big, first scandal of Noemi Letizia.

The latter, indeed, triggered not only the ever-so public announcement of divorce between Berlusconi and his wife, but also the beginning of *Repubblica* and *L'Espresso* great inquests, with the first package of the infamous *ten questions* to *il Cavaliere*.

Furtherly, the so-called *Barigate*, of which Patrizia D'Addario was the main protagonist, is analyzed, in light also of all the wiretappings that *L'Espresso* managed to publish and that aided the continuation of the inquest, corroborated also by the *ten new questions*.

Finally, the chapter focuses on the last and maybe greatest and yet unfinished scandal, the *Rubygate*, in which both the fusion of private and public sphere, and the inquest power of *Repubblica* and *l'Espresso* reached their apex.

All of that was proved by these scandals, indeed, is that public and private life had ended up being inextricably intertwined due to the actions of *il Cavaliere* himself; the magazines of *l'Espresso Group* then feasted on the web he somewhat had trapped himself in, bursting forth with a series of inquests aimed at not only uncovering the truth but also, possibly, discrediting their enemy even more, “closing the circle” of the abuse of power they had decanted about for so long. It was a moment, moreover, of great contrast between the parties, a moment in which *la Repubblica* and *l'Espresso* fiercely and continuously probed and provoked Berlusconi, and he struck back as sternly, even suing them for the two sets of *ten questions* they had created.

Here at that moment, more than ever, *Repubblica* and *L'Espresso* probably saw themselves, sometimes even presented themselves, as a lone island among the sea of Italian media, the main ones who were trying to actually untangled the events in search for answers. Probably, moreover, this was the time when they actually believed (or hoped) that the sequence of events, such scandals brought and narrated to an extreme level, would have declared the end of the “Berlusconi’s era”.

That, however, was not exactly the case; and the magazines, indeed, showed frustration and complaints about the fact that such a situation could persist in Italy also because of the influence they attributed to the times in government of *il Cavaliere*, to what he could have made of the public opinion.

It may be inferred, on the other hand, that a fraction of their reasons for campaigning against Berlusconi in the end found some resonance and “actuality”, somewhat consecrating as truthful what they had been stating for so long. The 2013 Court of Cassation’s sentence of guilt for fiscal fraud, which ratified the existence of the conflict of interests, and the subsequent decadence from Parliament caused by the judgement, were amongst, indeed, these defining moments of proven truths.

A real, *final* winner, nonetheless, cannot be identified, just like the war cannot be declared over; each one of the parties has won and lost battles, and as said before, the conflict still burns undisturbed and untamed slowly in the background, its consequences still resonant and alive, possibly waiting for another reason to burst, or possibly awaiting to just burn out slowly, and finally sedate.