



Department of International Relations
Political Systems

Chair of Comparative History of

**The Mitterrand doctrine: The Italian-French
relationship on terrorism**

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*Ora dunque queste tre cose contano:
fede, speranza, amore; ma la più grande di
esse è l'amore.*

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INTRODUCTION

I chose the argument concerning the Italian-French relationship on terrorism for various reasons. First of all, I did not specifically know before about the *Doctrine Mitterrand*. I was interested in studying a subject that I didn't necessarily master in order to learn and deepen a new period of time. Of course, I had a few prerogatives: I was looking for a topic situated in the second part of the XXth century, -because is it the most contemporary one and also the one I have studied less during my academic career- that I could, somehow, *make mine*. I was preferably looking for a subject based after the II World War, being a moment of history that I have less had the chance to deepen during those five years of University, probably because closer in time.

Moreover, I had a real will to analyze at least a part of the European politics, preferably Italian, in order to better understand our contemporary situation and to connect the dots of the news. Having majorly received a French education, during those five years in the Italian academic system I have realized how dramatic the gap on the knowledge of my country is and how much I need to dig deeper in it.

I was not wishing to find a topic embodying all of these ingredients together; also if only some of them would have been present it would have been more than fine. Instead, believable or not, *the* topic appeared: the '70s-'80s decade, connecting Italy to France, including history of the Italian and French politics and a topic that I knew very little about meaning the *Doctrine Mitterrand*. It is also a topic far-but-close, in the sense that, if we think about it, the Battisti Case is not only interesting for everything that it contains, but above all it is tremendously modern. Very little before I started my researches for the thesis, Battisti was extradite. Working on this topic permitted me also to review part of the Democrazia Cristiana time and also to restudy Giscard d'Estaing and Mitterrand's politics.

Besides, the *Doctrine Mitterrand* was catching my attention because it seemed to have some blurred aspects, behind its clarity, that I was eager to discover. I thought that this was the way through which I could slightly personalize the topic, not forgetting that it is a non particularly popular theme;

how exciting! This doctrine, implemented even before stated, tacit but explicit, clear but vague had all the ingredients of a passionate subject.

Being a history thesis, my goal was not properly to demonstrate something but rather to explain and introduce to the very small world that will read this dissertation the *Doctrine Mitterrand*. The aim is to say how the doctrine was implemented and how it worked –it if worked–. We will see that more than three hundred refugees benefitted from the doctrine: some were entitled to benefit from it and some others probably not. For this reason the topic is fascinating: it combines at the same time history, politics, criminology, current events and diplomacy. Taking into account my dual nationality, I could...*take the best of both worlds*; it was even maybe more interesting for me considering that I could analyze the two opposing parts from close, in the original language, and read the book of Fred Vargas still unpublished in Italy. Maybe this little gift would bring a little richness in the work.

In order to study the argument I collected some documents at the Centre of the diplomatic Archives of the ministry of Foreign Affairs in Paris, in la Courneuve. Finding the sources was not an easy task; I was in Paris for over a month but I could have stayed for way more; there is so much to study and to analyze! However, not only the translating, transcribing and reorganizing process was extremely long, but the point was that the very last accessible documents of the *Archives de la Courneuve* dated back only to 1985 –for the thirty-years rule–. Concerning that today we are in 2019, the most recent documents I could found dated from 1985. This means that I couldn't study documents which directly mentioned the "*Doctrine Mitterrand*", it was more a work of deduction and then integration with history, books, interviews and newspaper articles. How interesting it would be to study the same argument in a few years and with a little more time...!

In those documents, the expression *Doctrine Mitterrand* was, of course, never mentioned, so it was difficult to navigate in a vast quantity of papers and trying to notice the reactions of France, or some *communiqué* or declaration that could be interesting for me. In the end, among all the documents and "*cartons*" I have analyzed, only a few documents revealed to be really useful.

Of course, being in the French archives was obliging me to adopt the French viewpoint. And we know that, as prof. Orsina says, “the sources are not innocent” ! I could find in the archives many texts and newspaper articles and some telegrams of the ambassador which were surely helpful but, for example, I have not found any Italian request of extradition nor any example of these so claimed incomplete, insufficient extradition requests. This does not mean that they don’t exist or that it is not true that Italian’s extradition requests were incomplete, but it would have give veracity to what the documents depicted. And it would have been tremendously interesting. After being in the French archives, I would lie if I’d say that I was considering Italy as a dedicated hardworking country. But probably in the Italian archives I would had an unflattering opinion of France. It would have been extremely interesting to analyze the counterpart.

The doctrine Mitterrand, being clear and unclear, contemporary and old, piece of history and piece of press, first of all, required me to look for different sources, and not only books. Of course, some historical books were extremely precious, but also, for example, the book of Louis Joinet, *Mes raisons d’État: Mémoires d’un épris de justice*, La Découverte, 2013. Louis Joinet is not a historian, he is a jurist, but he closely worked for this doctrine as it will be discoverable throughout the thesis. He largely talk about the doctrine in his book and it is a very precious instrument for the better understanding of the doctrine. Useful were also the testimonies, declarations and texts of the French ambassadors in Italy, particularly Gilles Martinet, Andréani and Puaux.

Furthermore, it is important to say that for every part, a complete new source was needed. Very specific books were meant for very specific parts. There is not a book, or *the* book properly entitled “The Doctrine Mitterrand”. You have to recollect the pieces and analyze, little by little, every aspect of it, enriching the biography a little from here and there. Every piece of history is be precious and brings us to reconnect the dots. In the sense, crucial were also the testimonies-books of the *brigatists* and terrorists themselves.

Specifically for this reason I wrote before that it required me to look for different sources. Particularly for the last chapter of the thesis -the ambiguities of the doctrine- I have interviewed Cesare Martinetti, he who had written a very pertinent article on the topic. Finishing the thesis, I realize how many more interviews could have been done and how many more sources could have been

deepen, but time is our worst enemy. It could have been extremely interesting to explore the Italian archives or to interview Persichetti, Musitelli and many others, but it will maybe be for another time.

For such an up-to-date case, also the articles and archives from the newspapers like the *Corriere della Sera* or *La Repubblica* were crucial. The archives from their website have been a real water well to draw knowledge, so the investment of the subscription was worth it!

CHAPTER I

THE DEVELOPMENT OF THE DOCTRINE

SUMMARY: I. A violent context ('70s and '80s). – 1. Violence retained in France...– 2. ...and explosive violence in Italy. – 3. Italian actions for containing violence. – II. Socialism back to power. – 1. Mitterrand and the *Doctrine Badinter*. – 2. The *Mitterrand italien*.

1) A violent context ('70s and '80s)

a. Violence retained in France...

After 1968, Europe saw the rising of violence and extremisms. After the occupation of the *University of Berkley*, California, in 1964 by the students, in France some four years later, resounded the occupation of the courtyard of the university *La Sorbonne*. The police was called to arrest the students but this “merely inflamed the rest of the student body, which promptly rushed into the streets around the Sorbonne, launching bottles, bricks, and other projectiles at the riot police.”¹ Nobody was killed that day, but hundreds were wounded and six hundred arrested. From that moment on, violence continued to rise in France and propagated also to Italy, as we will later analyze. After Pinochet’s *coup d’état* in Chile in 1973, violence got more intense. In Italy, Toni Negri’s *Autonomia* got affirmed and in France the climate was favourable for an *autonomia* also to be established.

A first vague of attacks was triggered on the 1st May 1979, recognized by a group cell called “Guérilla communiste”². On that day, a machine gun assaulted the headquarters of the *Conseil national du patronat français* (CNPFF), an employers’ organization created in 1944 in order to give a representative organization of all of the French employers. A few people sharing the same ideas but not really feeling part of a whole composed this *Guérilla communiste* group. Their idea while attacking the CNPF was to launch a military campaign against French employers who wish to restructure the industry at the end of the 1970s. The attack was not enough for them; they wanted to be organized and in harmony.

¹ Hitchcock, William I. (2003) *The Struggle for Europe: The Turbulent History of a Divided Continent 1945 to the Present*, Anchor Books, p. 260.

² Dubuisson, Aurélien (2018) *Action directe, les premières années: Genèse d'un groupe armé (1977-1982)*, Poche, p. 24.

Hence, they needed a name and a method. The final name chosen was *Action directe*, an immediate effective call to action.

In order to finance the group, small and huge robberies were organized. One of the most famous robberies was the painting *L'Escamoteur* by the famous painter Jérôme Bosch³, on the 13th December 1978 at the municipal museum of Saint-Germain-en-Laye.



L'Escamoteur by Jérôme Bosch (1475–1505)

Action Directe, among its famous activists counted Nathalie Ménigon, Jean-Marc Rouillan, Joëlle Aubron and Régis Schleicher. It had at the same time a clandestine cell and a semi-legal cell⁴ designed for realizing the voluminous propaganda work.

Action Directe was looking for symbolic targets, more than mass bombings. It really had the objective to act outside the parties and syndicates and to effectuate the famous *passage à l'acte*. The organization could not stand that the people of the traditional left were talking about revolution and civil war without, then, moving or intervening. Instead, they, from Action Directe, decided to launch themselves into violence. Jean-Marc Rouillan would later write: "I regret that it is not more often recalled that Malcolm X wrote: "If you refuse to talk about violence, you can delete the word "revolution" from your vocabulary."⁵ Through their action, they were trying to radically criticize the society, identifying capitalism as the reason -and cause- for the general social illnesses⁶.

³ *Ivi*, p. 25.

⁴ Dubuisson, *op. cit.*, p. 27.

⁵ Rouillan, Jann Marc (2016) *Je regrette*, Agone, -185-.

⁶ Guibet Lafaye, Caroline (2017) «Action Directe : de la critique radicale à la violence "autolégitimée"», Archives ouvertes, p. 3.

In January 1985, Action Directe and Red Army Faction published a joint communiqué saying:

« The dominant features of capital and of its ideology of "well-being", of the "social guarantee", the "right to work" are broken by the brutality of the restructuring measures: exclusion of millions of men and women from the production process through robotization and industrial redeployment on a global level.

This clearly means here, for the man and woman, more and more exploitation, mass manipulation by social control and through the dominant ideology. » (RAF et AD, 1985)

Action Directe was clearly looking for support outside France. As we can see, it had bondage with the Red Army Fraction in Germany but also with the Red Brigades in Italy and the *Cellules Communistes Combattantes* (CCC) in Belgium, the Communist Combatant Cells.

After the attacks of 1979, it continued to hit. On the 13th March 1982, slightly before 8 p.m., two buckshot dumps resounded at 5 rue des Pruniers in the *XXème arrondissement* of Paris.⁷ Gabriel Chahine, a –formally- Egyptian-born Lebanese painter and film director, had just opened the door of his apartment to a stranger. Chahine collapsed, mortally wounded in the chest.⁸ Informally, Chahine was the police informant on **Action Directe** activities, meaning that he provided the police with information about Action Directe's members regarding all types of material that concerned them and their safe houses.⁹ “At the very beginning, the Police knew nothing about Action Directe. Thanks to the character of Gabriel Chahine, a kind of hero [...], the police will discover this [...] extremist nebula.”¹⁰ Chahine

⁷ Pochon, Jean-Pierre, (2008) *Les stores rouges. Au cœur de l'infiltration et de l'arrestation d'Action directe (1979-1982)*, Paris, Éditions des Équateurs, p. 118.

Jean-Pierre Pochon, Director of the French National Police, published a book all in memory of Chahine, relating the account of the hunt and arrest of Action Directe.

⁸ Pochon, Jean-Pierre, (2008) *Les stores rouges. Au cœur de l'infiltration et de l'arrestation d'Action directe (1979-1982)*, Paris, Éditions des Équateurs, p. 118.

Jean-Pierre Pochon, Director of the French National Police, published a book all in memory of Chahine, relating the account of the hunt and arrest of Action Directe.

⁹ *Ivi*, p. 123.

¹⁰ This was written by Philippe Poisson, a former trainer of prison staff. Specialized on the teaching of prison history and the history of colonial prisons, Philippe Poisson dedicated a whole

was killed by Régis Schleicher, on 13 March 1982. It was uncommon that something like this occurred, because the French State had been very kind to the members of Action Directe: François Mitterrand, in May 1981, granted amnesty to the majority of them. The amnesty law passed after Mitterrand's election in 1981 and it has released Rouillan and seventeen other activists. Nathalie Ménigon, accused of attempted homicide against law enforcement officers, remained in prison. However, she started a hunger strike to increase pressure. Her action became viral: it was supported by demonstrations, some of which were even violent and relayed by political supporters and part of the left-wing and far-left press. Finally, the judge had her released for "medical reasons" on 17 September 1981. What we can say is that in October 1981, the majority of Action Directe members left prison. Subsequently, a period of intense discussions between these activists began, resulting in the publication of several texts and journals. The time frame from 1981 to the end of 1982 represents a key sequence in the strategic redefinition of the French and European armed groups.

Chahine was an important but not only victim of Action Directe. In 1983, Action Directe got more radicalized, paradoxically also thanks to the amnesty law. In Avenue Trudaine, Paris, 31 May, two policemen were killed: Émile Gondry and Claude Caïola. In 1985, the General Audran, Director of International Affairs at the Ministry of Defence, was murdered. "Friday, January 25, 1985: it is 8:50 p.m. when an R20 stops in front of a villa in the middle of the residential district of La Celle-Saint-Cloud."¹¹ There, the general of armament René Audran, "a widower with a Playboy's physique, father of 3 children"¹² was entering in his garage. "As the Renault slowly climbs onto the pavement, one hand opens the driver's door and points a 11.43 calibre pistol. 8 shots are fired."¹³ The Director of International Affairs at the Ministry of Defence was killed instantly, shot with two bullets in the head and two more in the chest. This was the cruelty of Action Directe. One hour later, a journalist received a phone call: Action Directe was claiming responsible for the execution of René Audran¹⁴.

article to the book of Jean-Pierre Pochon. Poisson, Philippe (2018) "Au coeur de l'infiltration et de l'arrestation d'Action directe (1979-1982)" – Jean-Pierre Pochon.

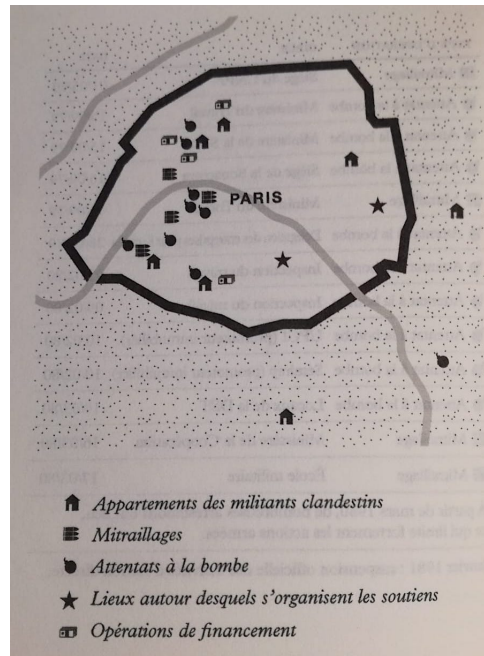
¹¹ Bourget, Jacques-Marie and Stefanovitch, Yvan (1986) *Des affaires très spéciales (1981-1985)*, Plon, p. 118.

¹² *Ibidem*.

¹³ *Ibid.*

¹⁴ Bourget and Stefanovitch, *op. cit.*, p. 119.

A year later, 1986, **Georges Besse**, the President and general director of Renault, was also killed by Action Directe. They used to kill and hit people or targets living in the Parisian West, rather than Parisian East, where the more popular neighbours were.¹⁵



*Mapping of the attacks claimed from 1979 to 1980,
Dubuisson, p. 90.*

All in all, Action Directe became known *thanks to* these two last executions of René Audran and Georges Besse, even though it would be reductive to limit Action Directe's activities to these two killings.¹⁶

Going out of subject for a second, these years of rebellion and terror in France, Italy, Germany, in Western Europe as a whole, serve as a reminder that the postwar European miracle was never universally accepted by some segments of society. "In Italy and Germany –two states that only twenty-five years earlier had been in the hands of totalitarian regimes- governments had to balance their postwar commitment to civil liberties and democracy against the obvious need for severe measures to contain the terrorist threat. It is an index of Europe's political maturation that throughout the "years of lead," this balance was maintained

¹⁵ Dubuisson, *op. cit.*, p. 27.

¹⁶ Dubuisson, *op. cit.*, p. 84.

surprisingly well. By the end of the ugly 1970s, European democracy had survived, bloodied but intact, and perhaps the better for the struggle.”¹⁷

However, if we closely look at those French acts, we can rapidly see that they are “minimal”, compared to the Italian or German experience of the time. For many authors, before 1985, in France there was peace. Particularly for the historian François Furet.¹⁸ According to him, before the execution of the General Audran in 1985, France was not touched by terrorism and had, in this sense, a privilege, in comparison with Italy and Germany.¹⁹ Furet would call these violent actions of the Proletarian left, *virtual terrorism*.²⁰ Also according to the press coverage of the early 1980s, it was clear that the tone used was relatively benevolent concerning Action Directe.²¹ Media talked about Action Directe in very different terms, but never demonized it or depicted it as a cruel, bloody-lover association. An article of *Le Monde*, after the attack to the Ministry of Cooperation in Paris Robert Galley, stated: “According to several testimonies, two *jeunes gens* [young people] of European type, with their faces exposed - a man and a woman aged between twenty and twenty-five, - stepped out of a grey Mercedes parked on Boulevard des Invalides. Both were armed with machine guns.²²”. “A group called Action Directe claimed responsibility for the machine gun attack [...]. This group, which has appeared several times in recent months, claims to have wanted to denounce "France's imperialist policy in Africa".²³ The expression “*claims to have wanted to denounce*” really shows us that France’s opinion is detached and superior to the meagre noise that Action Directe elbows its way in arousing. For Dubuisson, *Libération* regularly mentioned Action Directe’s attacks but rarely took them seriously. He stated that for *Libération*’s journalists, the ministry's machine-gunning became an artistic performance by apprentice sculptors.²⁴ Unluckily, we could not find the article, but generally the organization was considered as a group of activists residual of the 68s, more than a violent extremist group as they claimed to be. The seriousness of Action Directe’s operations was often put into perspective, as in the above mentioned

¹⁷ Hitchcock, *op. cit.*, p. 262.

¹⁸ Dubuisson, *op. cit.*, p. 63.

¹⁹ Furet, François; Liniers, Antoine; Raynaud, Philippe (1985) *Terrorisme et démocratie*, Fayard, p. 33.

²⁰ Furet; Liniers and Raynaud, *op. cit.*, p. 32.

²¹ Dubuisson, *op. cit.*, p. 64.

²² 20 March 1980 “Sept impacts de balles dans le bureau de M. Galley” Archives Le Monde.

²³ *Ibid.*

²⁴ Dubuisson, *op. cit.*, p. 64.

attack on Minister Robert Galley. We can say for sure that the first Action Directe's attacks did not make the headlines. Antoine Liniers goes until asking himself: "Why there was no terrorism in France in the '70s while there was in Italy and Germany?"²⁵

All in all, terrorism in France was mitigated, or at least it was a marginal experience, compared to the Italian or German case. It remained so until the physical integrity of some person was threatened.²⁶ But terrorism remained an ideal. This last assumption could be explained in many ways, nonetheless one of the reasons may probably be that the French left had not recently lived a period of violence, while the Italian had. As Perrault writes, "it is easy to mystify what you have not experienced"²⁷. French intellectuals were in search of a revolution: Cuba has been fashionable, Maoist China too, even Cesare Battisti. Fascination for violence remained vivid probably because there violence was lacking. Hence, it became fashionable; this is how man reflects. In Italy, terrorism of national origin has experienced a surge that is hard to imagine in France. Maybe also for this reason France defended Battisti so energetically.

b. ...and explosive violence in Italy.

For what concerned Italy, violence was explosive and very different from what was happening in France. The *years of lead* started aggressively, still there was an escalation of violence. Some scholars like to split the time frame of the *years of lead* into two broad phases: a first one going from 1969 to 1974 characterized by right terrorism, and then a second one, from 1975 to 1982, characterized by extreme left terrorism²⁸ where kidnappings and targeted assassinations happened more frequently.

It does not seem that 1968 was supposed to be violent; some scholars even claim that it had a pacific dimension²⁹. What was sure was that 1968 left a deep mark on Western society and also opened up the way to a deeper radicalization in Western societies, most of all in France and Italy. "For my generation and the

²⁵ Furet; Liniers and Raynaud, *op. cit.*, p. 137.

²⁶ Dubuisson, *op. cit.*, p. 64.

²⁷ Perrault, Guillaume (2005) *Génération Battisti : Ils ne voulaient pas savoir*, Broché (Préface de Gilles Martinet).

²⁸ Lazar, Marc and Matard-Bonucci, Marie-Anne (2010) *L'Italie des années de plomb: le terrorisme entre histoire et mémoire*, Autrement, p. 37.

²⁹ Lazar and Matard-Bonucci, *op. cit.*, p. 165.

neighbouring ones, before and after, that year was a sort of collective baptism, the rite of passage from one world to another.”³⁰ When 1968 exploded in Italy, the latter was a country where the experience of democracy was relatively recent. The law enforcement agencies used to severely repress the political opposition, which very fast radicalized the social conflict. The State was perceived as violent and unjust; the brutality of the police was impressive. Thus, violence was facilitated by the institutional answer to the protest.³¹ Prof. Giovanni Orsina wrote about the individualism generated in the 1960s’ and he briefly resumes, or should I say anticipates, that this individualism will “finally [be] channelled into political embankments of a very different nature from those dreamed of in 1968”.³² Radicalization began.

The extremism neo-fascist received protection from the secret services while left-wing terrorism was not particularly worrying the society. In fact, left-wing terrorism only began to disturb in the second half of the decade (meaning 1970).³³

Until 1973 included, the number of actions of left-wing terrorism was rather limited and only four of them had been directed against people.³⁴ Despite an intensification of the attacks, the activity of left-wing terrorism had been sporadic, even in the following two years.³⁵ The turning point was thus 1976, when there was a clear increase in both the total number of attacks and in the number of episodes directed against people,³⁶ beginning with a very striking one: Francesco Coco. Lately we will see why. But how did it get to that point?

Everything started with two young activists from the University of Trento, Renato Curcio, from the province of Rome, and Margherita, *Mara*, Cagol, from Trento itself, who created in the early 1970 the “Red Brigades”, together with Alberto Franceschini. The Red Brigades was founded in 1970 in Milan by militants coming from all different leftist radical groups.³⁷

It was nothing but a terrorist movement that wished to completely reverse the system; it rejected Americanization and globalization through the one and

³⁰ Pombeni, Paolo (2018) *Che cosa resta del '68*, Il Mulino, p. 9

³¹ Della Porta, Donatella (1990) *Il terrorismo di sinistra*, Il Mulino, p. 30

³² Orsina, Giovanni (2018) “68 E Oltre / La rivoluzione morta nella culla”, *Ilssussidiario.net*.

³³ Della Porta, *op. cit.*, p. 57.

³⁴ *Ibidem*.

³⁵ *Ibid.*

³⁶ Della Porta, *op. cit.*, p. 58.

³⁷ Della Porta, Donatella (2008) *Social Movements, Political Violence, and the State: A Comparative Analysis of Italy and Germany*, Cambridge University Press, p. 88.

only principle: *armed struggle*. This sounds very close to what Action Directe was looking for. The Red Brigades sought to push the class conflict of 1969 “into an all-out revolutionary class warfare”³⁸, following Mao’s writings and adopting the revolutionary model of the Viet Cong. The Red Brigades wanted to sacralise politics; politics, for them, was a way to save the human being and not only to administer the *res publica*. And, thanks to the revolution, the *brigatists* could destroy the world and then rebuild it completely their way.³⁹ This University of Trento, founded in 1962 from the request of the Christian Democrats, was built in order to create a factory of managers. Its professors were more tolerant concerning the utopias of their students, compared with the Italian average professors. Hence, the climate was favourable for such a cell to be created and the Red Brigades acquired more and more acknowledgment. They had a very concrete purpose: to get at the head of the institutions in order to purify the world from the moral corruption generated by private property.⁴⁰ For them, the choice of the *armed struggle* was a real “sacrificial gesture”.⁴¹ The terrorists of the Red Brigades were mostly young and very young people, belonging to the extra-parliamentary groups or to the parties of the historical left. They wanted to reverse the capitalist system and the bourgeois State. Their mode of action was completely different from the one of the right-wing terrorism, because they would favour specific and isolated targets rather than large public mass attacks. In addition to this, terrorists from the Red Brigades had to live clandestinely, just as those of Action Directe.

A *brigatist* could not have an interest of its own, “no private affairs, no feelings, no personal ties, no property, no name at all.”⁴² For him, there was just one joy: the success of the revolution. “Day and night, he must have a single thought, a single purpose: ruthless destruction. Aspiring coldly and tirelessly to this end, he must be ready to die, and to destroy with his own hands all that hinders its realization.”⁴³ This brought the *brigatist* to have no connection at all with his family or friends; “if he has family affections and bonds of friendship and love, it is worse for him; he is not a R.B. if these bonds can stop his hand.”⁴⁴

³⁸ Hitchcock, *op. cit.*, p. 260.

³⁹ Orsini, Alessandro (2010) *Anatomia delle Brigate Rosse*, Rubbettino, p. 27.

⁴⁰ *Ivi*, p. 48.

⁴¹ Della Porta, (1990) *op. cit.*, p. 174.

It is the testimony of a Red Brigade released to Donatella Della Porta.

⁴² Orsini, *op. cit.*, p. 377.

⁴³ *Ivi*, p. 378.

⁴⁴ Orsini, *op. cit.*, p. 378.

What is interesting to notice, is that during the years of lead, the terrorism of left and of right never faced each other, directly, never confronted each other. The Red Brigades had never impeached in a way or another the attacks from the extreme right, not even with the Bologna attack.⁴⁵ Extreme right-wing terrorists hit defenceless citizens, left-wing militants, men from institutions and law enforcement, but they made no attempt to stop red terrorism. This is a very strange Italian singularity⁴⁶; in the international context it was different. In crisis scenarios, struggles between opposing groups have always been rather frequent, as evidenced by the Irish conflict or, in Colombia, the armed rivalry between the Contras and the FARC.

The Red Brigades was the life-longest organization, with 14 years of activity –even though for the first 4 years the group was not extremely diffused–, signing 645 events with a diffusion in 40 Italian provinces⁴⁷. Action Directe, for its part, resisted less than ten years.

In conjunction with the Red Brigade, Italy had a majority of left-wing extra-parliamentary groups which were very active in that moment. In Turin, in July 1969, two movements appeared from a convention concerning the follow of the Fiat strike: on one side the group “La Classe”, and on the other the one of “Lotta Continua”. The first group was ruled by Toni Negri, Oreste Scalzone and Franco Piperno. They were called “*l’ala dei duri e puri*”, the *diehard* side. They wanted to abolish work, which they considered the only true slavery of mankind. For them, instruments of the struggle were absenteeism and sabotage. “La Classe”, on the 18 September 1969 published its first weekly publication: “Potere Operaio”, *Worker Power*. “Lotta Continua”, on the other side, was less rigid. The people from this other group would not consider themselves *puri e duri*. Their first weekly publication arrived on November 1969 with the major words: militant antifascism, refusal of the syndicalism delegation and frontal opposition with the PCI. Potere Operaio and Lotta Continua were the most important left extra-parliamentary groups. The head office of Lotta Continua was in Turin, Corso san

⁴⁵ The attack the Bologna station in 2nd August 1980. It perpetrated over 80 dead.

⁴⁶ Panvini, Guido (2010) « Terrorisme noir et terrorisme rouge durant les années de plomb : la guerre n'aura pas lieu », « *Mémoires/Histoire* », pp. 50-63.

⁴⁷ Della Porta, (1990) *op. cit.*, p. 92.

Maurizio 27, where the companions would guarantee their presence from 10.30 a.m. to 4 p.m.⁴⁸

Around 1972, a slight difference occurred more visibly between the two: **Lotta Continua** became less ‘*workerist*’ and **Potere Operaio** rigidly ‘*workerist*’. Both of them were not very ideologically bounded to Mao Tse-tung’s China. A few years later, in 1973, started to appear to *the left of the left of the extreme left*, meaning the left of Potere Operaio and Lotta Continua, some autonomous groups, particularly **Autonomia Operaia**, founded in 1973 by one of the leaders of Potere Operaio, Toni Negri, a Venetian young adult. Potere Operaio, also known as *PotOp*, dissolved itself during summer 1973, Toni Negri having just been expelled from it a few weeks before its dissolution.⁴⁹ Lotta Continua dissolved in October 1976.⁵⁰

Among all the problems that Italy was living, beyond public spending or labour costs, the most socially dramatic problem was that of unemployment, especially youth unemployment. The development of schooling increased the aspiration of young people, but they struggled to find suitable jobs for their degree. This youth malaise was expressed in a dramatic form in the early months of 1977 when a new movement of university and middle school students gave rise to occupation of universities and violent street clashes. This was due do the Malfatti university reform project aimed at reversing the achievements of 1968. Faculties were shaken -a second time- in struggles of unprecedented violence. The protagonists of the clashes were the groups of **Autonomia Operaia**. For the first time the frequent use of firearms by demonstrators was used. By this time, in 1977, Autonomia Operaia reached its peak.⁵¹

The movement of 1977 was actually the provisional clot of a series of groups and movements, united only by the spontaneity of an exasperated radicalization. Main target of the protest was the traditional left, particularly the PCI and the syndicates. The most striking thing occurred on February 1977 when the secretary of the Cgil, the most ancient Italian trade union Luciano Lama, was kicked out from the University La Sapienza in Rome, by the people of Autonomia

⁴⁸ Novelli, Diego and Tranfaglia, Nicola (2014) *Vite sospese. Le generazioni del terrorismo*, Baldini Castoldi, p. 64.

⁴⁹ Sommier Isabelle, (1998) *La Violence politique et son deuil. L’après-68 en France et en Italie*, Rennes, Presses universitaires de Rennes, p. 48.

⁵⁰ Novelli and Tranfaglia, *op. cit.*, p. 51.

⁵¹ *Ivi*, p. 51.

Operaia.⁵² Lama left the university unscathed, protected by the CGIL order service, under the students throwing stones and screaming “Away, away the new police!”⁵³.

However, what we can say is that both black terrorism and red terrorism were frightening the society: between 1969 and 1985 Italy was for sure the country most interested by the terroristic activities.

The Red Brigades had some idles, and particularly they admired the achievements of the Red Army Faction in Germany. Following their example, “assassinations, kidnappings, bomb attacks and gunfights filled the pages of the newspapers almost every day during these *anni di piombo*”⁵⁴. When they first started to shoot it was natural to think that the *brigatisti* had a perfect or at least very good military preparation. But the study of Prof. Alessandro Orsini specifically states: “The *brigatisti* have always affirmed that they were very modest from a military viewpoint”⁵⁵. Mario Moretti, ex BR, said “Let’s not confuse organizational skill with the technical and military skills of guerrilla warfare. I assure you that the *brigatisti* were not great warriors. They were formidable political organizers...Our military training would have made a corporal of any army laugh.”⁵⁶ Nevertheless, they managed, between 1974 (year of the first claiming of responsibility concerning the different murders) until 1988, to claim responsibility for 86 homicides⁵⁷. Many of them were agents of the national police, magistrates and politicians. Between them, 85 men lost their lives and one woman, Germana Stefanini, Rebibbia’s prison guard. Of course, to those killings must be associated the wounded, kidnappings and robberies in order to finance the organization. The Red Brigades received external help, but to explain the exceptional rise of extreme left-wing political terrorism after 1968 in Italy, “[an] Italian diplomat listed the following factors: the “easy” university, the influence of leftist professors (of the 1968 generation), the funding from wealthy sympathisers (following the example of the publisher Feltrinelli, who died in 1972 from the premature explosion of a bomb he himself had planted). Thus, the

⁵² Sommier, *op. cit.*, p. 226.

⁵³ Fiori, Simonetta (2017) “Che errore nel '77 Lama in ateneo”, La Repubblica.

⁵⁴ Hitchcock, *op. cit.*, p. 259.

⁵⁵ Orsini, Alessandro (2015) ‘Are Terrorists Courageous? Micro-Sociology of Extreme Left Terrorism’, *Studies in Conflict & Terrorism*. Center for International Studies Massachusetts Institute of Technology - Cambridge, MA, USA – p. 188.

⁵⁶ Moretti, Mario (1994) *Brigate Rosse. Una storia italiana*, p. 122.

⁵⁷ Zavoli, Sergio (1992) *La notte della Repubblica*, Roma, Nuova Eri.

Roman column of the Red Brigades would have an annual budget of one and a half to two billion lire, which would far exceed the ransom income.”⁵⁸

Political extremism became daily violence. One of the first and decisive actions was the kidnapping of the Judge Mario Sossi, in Genoa, on 18 April 1974. Sossi was coming back home, unescorted, and he was taken on a van by a bunch of terrorists. At that time, the Red Brigades were still not that famous; they existed only since about four years. The kidnapping of Sossi opened up their way.

The capture was organized by Alberto Franceschini, one of the founders of the Red Brigades, as stated earlier. For more than a month, exactly for 35 days, Sossi was their prisoner in a hidden location in Milan.⁵⁹ During those days of prison Sossi wrote letters, read and was probably given sedatives before sleeping at night. It was probably Franceschini’s opposition in killing him which saved Sossi’s life.

Italy understood that Sossi’s sequestration was not a “normal” sequestration, but a political one. His kidnap happened in a very delicate moment, when the country was at the heart of the referendum campaign on divorce. A real political battle was going on: the Christian Democracy, allied with the right, was opposed to the secular and left-wing parties. An appointment with the ballot box that will have great weight on the future development of Italian politics thanks to the victory of the *no*: the first electoral defeat of Christian democracy after the war. RB’s actions were previously symbolic but the sequestration of Judge Sossi marked the transition to the strategy of "attacking the heart of the State".⁶⁰ It represented a direct blow against the representatives of the institutions, which inaugurated a long series of attacks and which can be considered as an anticipation of the kidnapping of Aldo Moro.

For the capture, Genoa was chosen as city for various reasons but first and foremost because it was a city with which the Red Brigades had a deep relationship, rooted in time, also due to the tight link with the University of Trento. But we could even say that the Red Brigades were born around Genoa, in Chiavari precisely, since one of the founding moments was exactly there, in

⁵⁸ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1930/INVA/5314 Direction d'Europe 1981-1985, Situation intérieure/terrorisme, s.s. 2, d.14, fol. 213, 10 Février 1981, A/S. Le Terrorisme et l'État italien, page 2.

⁵⁹ Soccorso Rosso (1976) *Brigate Rosse. Che cosa hanno fatto, che cosa hanno detto, che cosa se ne è detto*, Milano, Feltrinelli, p. 51.

⁶⁰ Sommier, *op. cit.*, p. 169.

November 1969. In that month, a meeting at the pension “Stella Maris”, ran by the local curia in *Viale Enrico Millo* was organized. Young catholics of dissent, militants of the student movement and of the extra-parliamentary left discussed illegality as a system of struggle, to bring the popular masses to the conquest of power. The birth of the Red Brigades is normally traced back to this “conference”, but for Franceschini “that's not true.”⁶¹ “On the Riviera we only discussed how the newborn Metropolitan Political Collective [Collettivo politico metropolitano, Cpm] should move. There was no talk of armed struggle and "clandestinity", as a means of political struggle, was rejected. If you really want to look for an official occasion in which the first steps were taken by the Red Brigades, you have to go to Pecorile, a town at the foot of the Apennines, 20 kilometres from Reggio Emilia”.⁶² Franceschini’s statement doesn’t convince prof. Orsini who writes: “The choice to move to armed struggle, unlike what Franceschini would have us believe, is prior to September 1970.”⁶³

For Orsini, “Franceschini minimized the importance of the Chiavari "congress””⁶⁴ and he ably explains the two-detailed and clear reasons in his book.⁶⁵ “My conclusion is that in Chiavari, in the first days of November 1969, the concrete hypothesis of the armed struggle was faced [...]. It was discussed and not everyone agreed.”⁶⁶

Why the Judge Mario Sossi was chosen as target? He was the Public Prosecutor in the trial against “Gruppo XXII Ottobre”, *Group XXII October*, the first organization of the extra-parliamentary left that took the path of revolutionary violence, together with the Partisan Action Groups (GAP) founded by the publisher Giangiacomo Feltrinelli. **Gruppo XXII Ottobre** was led by Mario Rossi and was operating majorly in Genoa, between 1969 and 1971. It perpetrated a series of attacks and kidnappings, among which the murder of the delivery boy Alessandro Floris. Floris transporting a bag filled with money and the Gruppo XXII Ottobre stole it. Floris tried to block their escaping grabbing the ankle of one of the two boys. A university student, Ilio Galletta, accidentally took

⁶¹ Franceschini, Alberto (1996) *Mara, Renato e io. Storia dei fondatori delle BR*, Mondadori, Milano, p. 23.

⁶² *Ibidem*.

⁶³ Orsini, *op. cit.*, p. 31.

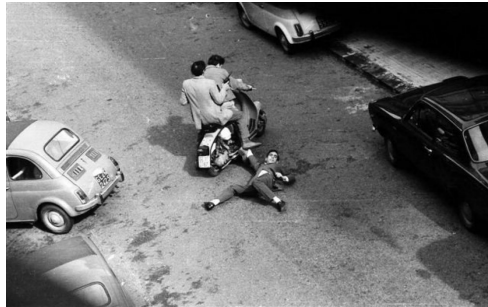
⁶⁴ *Ivi*, p. 185.

⁶⁵ For a more detailed study see Orsini, *op. cit.*, 185-6.

⁶⁶ Orsini, *op. cit.*, p. 186.

photos of the homicide. Floris' death was resumed by his shots which became crucial for the researches and were diffused on the national and international press. Those pictures became one of the symbolic images of the advancement of terrorism.

*Pictures of Illo Galletta, the death of the delivery boy Alessandro Floris,
26th March 1971.*



Sossi therefore, was a State-oppressor to the eyes of the Red Brigades. During the trial he was targeted by the extra-parliamentary left with a series of threatening slogans such as "Sossi Fascist you are the first on the list" (*Sossi, fascista, sei il primo della lista*).

The Red Brigades decided to release the hostage, after having asked in exchange for the release of eight "comrades" of the XXII October band, in prison after the sentences requested by Sossi himself. He was released in Milan more than a month later, on 23 May 1974.

Two years later, on the 8th June 1976, twelve days before the general election, an armed group killed Francesco Coco, Genoa's Attorney General, and his escort composed by two agents who were with him, with gunshots and machine guns. It was broad daylight, around 13:30 in a central street in Genoa, not far from, Piazza Principe.⁶⁷ Coco was killed in reprisal for opposing the release of the eight members of the "Group XII October" two years earlier with what happened with Sossi. It had never happened that the R.B. hit them that way, with ferocity and precision. The campaign of the R.B. against the powers of the State continued.⁶⁸

⁶⁷ Pintore, Giovanni (2017) *Dossier Brigate Rosse 1969-2007: La lotta armata e le verità nascoste*, Simple, p. 78.

⁶⁸ *Dossier Brigate Rosse, op. cit.*, p. 79.

These two killings were a kind of introduction, because violence was destined to increase, especially by 1978. On 16 March 1978 in Via Fani, while he was on his way to church for his customary morning prayer, the Red Brigades kidnapped Aldo Moro, president of the Christian Democracy (DC), and former Prime Minister. A few minutes after 9 a.m., at least ten terrorists killed his four bodyguards and the fifth died shortly after in the hospital.⁶⁹

Moro was more than just the president of the DC. He was the probable successor of Leone at the Presidency of the Republic and the weaver of the dialogue with the Communist Party.⁷⁰ This made of him the creator of the national solidarity policy, the *solidarietà nazionale*, and he was kidnapped on the very day he was going to formalise this alliance in Parliament.⁷¹ The RB were mostly interested in attacking the DC, meaning that their aim was more general: to strike the DC, the cornerstone in Italy of the imperialist state of the multinationals (SIM) and to beat their competitor and enemy the PCI.⁷² The R.B., therefore, were interested in Moro as an emblematic figure of *thirty years of the "Christian Democrat regime"*, and not as merger of two oppositions or anything else.⁷³ Mario Moretti later declared that for the R.B. it was only relevant that Moro was "president of the DC" and that he had been "in government for forty years".⁷⁴ The RB, therefore, could also have chosen other personalities such as Giulio Andreotti or Amintore Fanfani. Moro and Andreotti "in our eyes were twins [...] If there were substantial differences between the two, at that moment they didn't appear to us", Moretti again declared.⁷⁵ Even in the course of the affair, the R.B. emphasized Moro's role as president of the party, a position that –moreover– traditionally had not a great importance in the DC, while they gave little attention to him being the architect of the *national solidarity*.⁷⁶

For this reason, when he was killed after 55 days of imprisonment, the far left was surprisingly shocked and also were those more open to the idea of armed struggle. Also for them and for *communist ethics*, "prisoners are never killed".⁷⁷

⁶⁹ Giovagnoli, Agostino (2005) *Il caso Moro. Una tragedia repubblicana*, il Mulino, p. 25.

⁷⁰ *Ivi*, p. 26.

⁷¹ Sommier, *op. cit.*, p. 169.

⁷² Giovagnoli, *op. cit.*, p. 26.

⁷³ *Ibidem*.

⁷⁴ Giovagnoli, *op. cit.*, p. 27.

⁷⁵ *Ibidem*.

⁷⁶ *Ibid.*

⁷⁷ Sommier, *op. cit.*, p. 210.

The capture of Moro meant that the Red Brigades didn't just held Moro as a hostage, but whole Italy. During his 55 days of imprisonment, Moro wrote letters, three in particular: to his wife Eleonora, to the Minister of the Interior Francesco Cossiga and to Nicola Rana, head of Moro's political secretariat. The letter for Cossiga was published, and this boosted a huge debate: did the Red Brigades dictate the letter? Was really Aldo Moro imprisoned? The writing style didn't correspond to Moro's! In that letter, Moro was demanding to the government to release him, to negotiate. Pope Paul VI, intimate friend of Aldo Moro, wrote a letter to the Red Brigades, praying them to free him. Unfortunately it didn't work.

Finally, the Christian Democracy refused to negotiate. Giulio Andreotti didn't want the public to see that the political system was in crisis, or not stable. On the 9th of May Moro was told that he had to change location. He was put in the trunk of the car. The Red Brigades told him to cover himself with a blanket and then they shot twelve projectiles at his body in that same red Renault 4 that was left in Via Caetani⁷⁸, Rome, symbolically close both to the national headquarter of the Christian Democracy and to the one of the Italian Communist Party (PCI). The Minister of the Interior Francesco Cossiga resigned after the discovery of Moro's corpse.

The Moro murder had made it clear that no Italian politician, judge, policeman, or businessman was safe from a similar fate.⁷⁹ The picture of Aldo Moro with, behind, the five-pointed star of the Red Brigades, arouses –and always will– great emotion among the Italian people.



Aldo Moro in the first photo released by the Red Brigades during the kidnapping, 1978.

⁷⁸ Giovagnoli, *op. cit.*, p. 256.

⁷⁹ Hitchcock, *op. cit.*, p. 261.

Unfortunately, after this tragic episode, violence didn't stop in the country. On the **6th of June 1978**, in the North of Italy, Udine, Antonio **Santoro**, the commander of the Udine District House, was killed by the terrorists of the Armed Proletarians for Communism (Proletari Armati per il Comunismo, PAC), and particularly by the hand of Cesare Battisti.⁸⁰ Battisti shot at him three times while he was leaving home. A year later, this same group (PAC) killed on **19th April 1979** **Andrea Campagna**, an agent of the Public Security working for the DIGOS, the General Investigations and Special Operations Division, in the Lombardy capital. The PAC considered him a torturer of proletarians. The terrorist Cesare Battisti directly participated to the shooting. Campagna was leaving his girlfriend's house together with the father of his girlfriend. He was going to get his car and Battisti shot at him five times and ran away. The father of Campagna's girlfriend ran after him. Battisti turned back, tried to fire but his pistol was uncharged.⁸¹

Another important attack that we have to mention here is the killing of Roberto Peci, by the Red Brigades, on 3rd August 1981. Why is this attack so important? Because Roberto Peci was the brother of a *brigatista*, the one who used as battle name "Mauro". His real name was Patrizio Peci, a man involved in several crude intrigues, among which one of the most important; to wound in the legs the workshop overseer of the Fiat. Patrizio Peci was member of the Red Brigades, but he wouldn't have killed his brother. So what was the connection with the murder of Roberto? Patrizio was arrested in Turin on 20th February 1980. After, he became a repentant, and more specifically one of the first important repentant of the history of the Red Brigades. This, because Peci was the first repentant who collaborated with the State. He was convinced to give some information to the General Carlo Alberto Dalla Chiesa, which made it possible to identify the Brigades' hideout in Via Fracchia, Genoa, and the operation that resulted from it. Patrizio Peci had three brothers: Ida, Roberto and Eleonora. The Red Brigades, when they learned that Peci had provided the police with information, chose to kill his brother. Peci betrayed his fellow militants so he had to be punished. Roberto's death was terrible. On the 3rd

⁸⁰ *Dossier Brigate Rosse, op. cit.*, p. 122.

⁸¹ Siamo Noi - Tv2000it (2017) 'Siamo Noi - Il caso Battisti e gli Anni di Piombo: troppe le pagine senza verità' Testimony of Andrea Campagna's brother, min. 12:47.
<https://www.youtube.com/watch?v=L2QB0Z3qkQY>

August 1981, he was put in front of a wall with behind the inscription "Death to the traitors". His execution was filmed, as a movie, with in the background the notes of the International. His body was crossed by eleven bullets.⁸² His face disfigured. He was shot in the mouth, in the cheekbone, in the temple, in the ear.⁸³ His hands were tied with a chain. For the performers: "There can be no hesitation, no uncertainty, no delay [...] Roberto Peci is a traitor and as such should be treated".⁸⁴

About this, Patrizio Peci stated in his book "[...] I am the only one. The only one who in the *years of lead* has inhabited both groups of the damned: [I have inhabited] both among the victims and among the executioners, both among those who administered death and among those who knew death, the death of one of the dearest person, that death which teaches you the meaning of irrevocable loss"⁸⁵. The Red Brigades totally denied the existence of the repentant. The *brigatists* cannot repent because those who have had access to the "realm of truth" cannot fall into error again.⁸⁶

For every police action, the terrorists responded with increased ferocity to demonstrate their continue effectiveness. In 1978, 2,379 attacks of various sorts were carried out, and in 1979, the number rose to 2,513.⁸⁷ Judges, politicians, journalists, professors, policemen...these were their main victims.

c. Italian actions for containing violence.

Of course, Italy was trying to actively respond to those threats, killings and attacks mentioned just above. It implemented a legislation in those years in which stricter measures were taken.⁸⁸ And in 1984 violence had a bit diminished. Italy's counterterrorist effort had improved markedly after the assassination of Aldo Moro, making important changes in policy on counterterrorism. "The rescue of General Dozier in January 1982 was the result of better tactics and methods and

⁸² Orsini, *op. cit.*, p. 77.

⁸³ *Ibidem*.

⁸⁴ *Sequestro Peci. Comunicato n. 5*. 10 luglio 1981.

⁸⁵ Peci, Patrizio (1983) *Io, L'infame*, Mondadori, p. 68.

⁸⁶ Orsini, *op. cit.*, p. 78.

⁸⁷ Hitchcock, *op. cit.*, p. 261.

⁸⁸ *La cooperazione giudiziaria e la controversa tutela della libertà dell'estraddando*.

Retrievable at:

<http://www.archiviopenale.it/File/DownloadArchivio?codice=af7853ee-4e9b-4c68-b72f-265c262fbc07>.

the cause of further improvements”, states the Directorate of Intelligence (1984). An assessment of the Intelligence also explains that Italy improved its counterterrorist capabilities thanks to two major elements that have emerged since 1978: the first one include “significant institutional reforms, such as the development of special counterterrorist units and an overhaul of the intelligence and security services” and the second one, more in general, “extraordinary legal measures broadening police powers, mandating stiff penalties, permitting lengthy detention, and encouraging terrorists to "repent."”⁸⁹

Such changes were crucial in order to reverse the administrative inefficiency that Italy was living and its political indecision “which previously hindered a coordinated counterterrorist effort”. Those ingredients, summed up with a general dissension among the terrorists themselves and “a deterioration in the quality of new recruits”⁹⁰ had declined the level of terrorist violence. The CIA “believe that the terrorism problem will remain serious enough to maintain public support, political consensus, and government funding for tough and effective counterterrorist programs.”

However, this happened first thanks to institutional reforms. In June 1974 the Italian Government established the Antiterrorist Inspectorate. This inspectorate was attached to the Ministry of the Interior and it combined “investigative and operational elements drawn mainly from the ranks of the national police (Polizia di Stato)”⁹¹. Even though, at the beginning, this inspectorate was not extremely effective, probably because of the lack of experience in these new areas of responsibility of a good number of officials. As stated by this same assessment: “We believe this inexperience, coupled with organizational problems, accounted for the Inspectorate's limited initial effectiveness.”

Then, it is important to state that the government recognized that terrorism demanded special measures. So, in July 1977, some *supercarceri* were built, meaning maximum security prisons, under the direction of Gen. Carlo Alberto Dalla Chiesa⁹². “Italy's poorly managed, obsolete, and overcrowded prisons were experiencing an average of one escape per day [...] with convicted or suspected terrorists among the escapees”, specifies the study. This brought the government

⁸⁹ Italian Counterterrorism: Policies and Capabilities (May 1984) – An Intelligence Assessment, p.

3.

⁹⁰ *Ibidem*.

⁹¹ *Ivi*, p. 2.

⁹² (25 luglio 1977) “In cinque supercarceri i 900 detenuti più pericolosi”, *Corriere della Sera*.

to build these *supercarceri* and make them resistant enough to breaches. The prospect of terrorist assaults on prisons – in order to free incarcerated terrorists– was high. Once they were implemented “we know of no successful escapes from them”, confirms the intelligence. In addition to the building of those *supercarceri*, their location was deeply rethought: they were established in isolated areas “such as the Alcatraz-style Asinara prison, just off Sardinia”.

Another thing that was done was the Parliament's decision in 1977 to restructure Italy's intelligence and security services⁹³. Two new intelligence and security agencies were created, neither of which authorized to conduct police actions: the SISMI, meaning the Servizio per le informazioni e la sicurezza militare, and the SISDE, the Servizio per le informazioni e la sicurezza democratica. The Ministry of Defense was charged to command the SISMI, while the SISDE was part of the Ministry of the Interior. For SISMI, counterterrorism was only one of the fields under its responsibility, which was completely different for SISDE for whom investigating all aspects of terrorism in the Italian territory was its first and preponderant mission.

Even though it seemed that Italy was making huge progresses, it took time for the government to implement this reorganization. “A year and a half after SISDE's creation, the organization suffered from unqualified leadership, was understaffed by 50 percent, and had failed to carry out its mission.”⁹⁴ Also SISMI had some problems; it used most of its resources illegally for trying to invade SISDE's antiterrorist domain. Moreover, as states the Intelligence's assessment, “SISMI reportedly accepted tasking from other agencies in violation of the law.”

Finally, General Dalla Chiesa was appointed in order to counter terrorism and here the real reverse will occur. His appointment showed the real determination of the government counter leftist terrorist groups. In combating terrorism, Dalla Chiesa's effectiveness was impressive, even with the poorly functioning help of the newly reorganized security services. The normal lines of authority were bypassed by the government: Dalla Chiesa started to report directly to the Prime Minister.

⁹³ Italian Counterterrorism: Policies and Capabilities (May 1984) – An Intelligence Assessment, p. 2.

⁹⁴ *Ibidem*.

In addition to these brand new strategies, on 6th of February 1980, the Cossiga law (la *Legge Cossiga*) was enforced⁹⁵. It consisted in a package of “special laws” in order to counter terrorism. This law enacted some urgency measures in order to get further organization for fighting terrorism. It was composed of several articles. For example, the Article 9 extended the powers of search and “allows it for urgent reasons even without the mandate of the competent magistrate”; or Art. 10, in cases concerning terrorism, “extends the maximum period of pre-trial detention by one third at each stage of the proceedings”. The Cossiga law also implemented incentives for repentance, with penalty discounts for those who collaborated with Justice⁹⁶.

On the 29th of May 1982, the “Repentants” law, la *Legge sui pentiti*, was established. This law was implemented in Italy while in France François Mitterrand was amnestying part of the members of Action Directe. The “Repentants” law established “discounts” for those who would confess their crimes, or some names, or something. The first Article states: “Not punishable are those who [...] withdraw from the agreement, withdraw from the association or band, i.e. they deliver themselves without resistance or abandoning their weapons and, in all cases, provide all information on the structure and on the organisation of the association or band.”⁹⁷ The “Repentants” law was composed of 13 articles and we can firmly say that it was very effective.⁹⁸ Concerning that it was literally halving the pain of the terrorists –in case they would have confessed–, confessions started blossoming. For example, the French Ambassador in Italy Martinet wrote on 16 mars 1983: “the DIGOS of Genoa reported a secret passage located between France and Italy in the Ventimiglia region”, he writes. “This discovery was made thanks to the indications of a “repentant” *brigadist*, Miss Fulvia Miglietta. According to the latter, this passage was often used by Italian terrorists either to escape, or to pass weapons. The newspapers locate this passage in the hinterland

⁹⁵ Law of 29 May 1982, n. 304, *Misure urgenti per la difesa dell’ordinamento costituzionale*. Available on the Chamber of Deputies website: <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:Legge:1982-05-29:304>

Last seen: 15th Septembre 2019.

⁹⁶ Manzo, Carlo and Ronzoni, Dario (2011) ‘Reale, Cossiga, Pisanu, tutte le «leggi speciali» d’Italia’, *Linkiesta.it*.

⁹⁷ LEGGE 29 maggio 1982, n. 304.

https://www.inventati.org/cope/wp/wp-content/uploads/2015/12/54_legge_29_maggio_1982_n_304.pdf

⁹⁸ Malatesta, Maria (2012) in « *Le Mouvement social* » n°240, ‘Défenses militantes. Avocats et violence politique dans l’Italie des années 1970 et 1980’, Paris, La Découverte, p. 87.

of Ventimiglia (Passo di Carma), at an altitude of 1,150 m.”⁹⁹ This was how useful the repentant law was. And such was its effectiveness that the government decided to extend it, by a government decree, on the 1st October 1982. The Repentants law originally had to last for 4 months and to expire on the 30th of September. It was decided that it would rather be in force until the 31st of January 1983. This law permitted to severely breach terrorism "and that is why we are extending it, as well as to allow those who have suffered the absurd attraction to terrorism to disassociate themselves," declared the Italian Minister of Justice Clelio Darida the day after the law was extended. The actions carried out after the implementation of this law were considered to be the most important counter-terrorist operation "of the last weeks"¹⁰⁰. France was indeed a bit sceptical concerning this law. Gilles Martinet, the French ambassador in Italy, wrote on 20th October 1982: "it is still impossible to make an exact assessment of this law [encore impossible de dresser un bilan exact de cette loi]: according to some surveys [*estimations*], which are difficult to control given the secrecy surrounding the "repentant" [*étant donné le secret qui entoure les "repentis"*] (also for the repentant's own safety), nearly 300 terrorists have reportedly "repented" [*se seraient "repentis"*] since last June.”¹⁰¹ Out of a total of 1 800 imprisoned terrorists there would thus be in total about 700 "repentants". However, despite all the police successes it permitted, this measure was still considered.¹⁰²

On the 27 and 28 of July 1984, the Italian Parliament approved two other laws concerning the theme of the preventive detention. These two laws had to enter into force in February 1985 and, substantially, they diminished the preventive detention. Even if the Cossiga and the “Repentant” laws were effective and important, the Italian judicial system was still in a state of “inertia and inefficiency.”¹⁰³ The point on which Italy had to work more was the pre-trial detention. Italy had been accused more than once of having too long pre-trial detention times, and it finally decided to work on this point. Before these two

⁹⁹ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1930/INVA/5314 Direction d'Europe 1981-1985, Situation intérieure Terrorisme, s.s. 2, d.14, CP (16 mars 1983) Terrorisme : entrée clandestine en France.

¹⁰⁰ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1930/INVA/5314 Direction d'Europe 1981-1985, Situation intérieure Terrorisme, s.s. 2, d.14, fol. 1538 (20 octobre 1982) Nouveaux succès dans la lutte contre le terrorisme et la Mafia. “*D'ailleurs la loi sur les repentis a été prorogée, par décret gouvernemental, le 1er octobre. [...]*”

¹⁰¹ *Ibidem*.

¹⁰² *Ibidem*.

¹⁰³ Italian Counterterrorism: Policies and Capabilities (May 1984) – An Intelligence Assessment p. 9.

laws, the average time from arrest to final verdict was four to five years. But the pre-trial detention could last even more, up to 10 years and eight months. The court system was so overburdened that it was crucial for Italy to have a legal way to detain defendants for cases in which a suspect would likely flee if not held.¹⁰⁴ Antonio Negri, for example, had been detained for four years without a trial. And still, the length of his detention “was not exceptional.”¹⁰⁵ Craxi government wanted to reduce preventive detention to its maximum allowable duration.

These government's successes have deteriorated the power of the terrorists groups. Meaning that, “the improved training and testing of specialised counter-terrorist strike forces; the reorganization of the security services and formation of special analytic and investigative counter terrorist units; the adoption of extraordinary legal measures and the means to enforce them; and their political consensus that terrorism unchecked is a threat to Italy's social and political stability”¹⁰⁶ were all beneficial to counter terrorism. However, according to the Intelligence assessment, “these measures [...] only partially explain counter-terrorist successes.” Not just the government made improvements, but also the terrorists groups themselves got weakened and, maybe, less ferocious or enthusiastic. “There has been a decline in the quality, dedication, and ideological conviction of terrorist recruits.”¹⁰⁷ The new recruits lacked the loyalty and commitment of long time group members. Subsequent factional and ideological disputes, particularly among the leftist terrorists, have seriously debilitated the operational capacity of many groups.¹⁰⁸

“Even terrorists chiefs have not been immune to the temptation to "repent"; the Turin column of the Red Brigades and the Prima Linea Organization, for example, were devastated by the revelations of their own "repentant" leaders. Along with official moves, the confessions of participants in the Dozier kidnapping alone contributed to more than 1,000 arrests of terrorist suspects. Increased risk of apprehension as a result of involvement in terrorist activities probably made association with groups like the Red Brigades less attractive to prospective recruits.”¹⁰⁹

¹⁰⁴ *Ibidem.*

¹⁰⁵ *Ibidem.*

¹⁰⁶ *Ibidem.*

¹⁰⁷ *Ibidem.*

¹⁰⁸ *Ibidem.*

¹⁰⁹ *Ibidem.*

2) Socialism back to power

a. Mitterrand and the *Doctrine Badinter*.

In this very violent context, the leaders were important, since the Doctrine Mitterrand explicitly takes its name from the President Mitterrand. How were the French and the Italian presidents reacting to this situation? How were their relations and how did they arrive to the *Doctrine Mitterrand*?

First of all, considering the French side, it is important to start before the election of Mitterrand. Valéry Giscard d'Estaing (1974-1981) was in office, and he was trying to appease the relations with Italy and to reinforce them. The Fréjus tunnel was finished to built during his mandate, in 1979; the French schools in Italy were flourishing: in Milan, in Rome, in Florence. The French Institute of Naples, created in 1919, and the one of Florence, built in 1907, had a great prestige. The French Lycée Chateaubriand in Rome, between 1977 and 1978 counted 1197 students, among whom 390 were French.¹¹⁰ The cultural link between the two countries was bounded. Italy, from the election of Giscard d'Estaing until the election of Mitterrand, changed five Prime Ministers, but all from the same political party: the *Democrazia Cristiana*. In order, in the *bel paese* ruled, during the mandate of President Giscard d'Estaing, meaning from the 27th May 1974 until June 1981 (one month after the election of Mitterrand): Rumor, Moro, Andreotti, Cossiga and Forlani. Two Presidents of the Republic changed: Giovanni Leone (1971-1978) and Sandro Pertini (1978-1985). This instability was a problem for the relations with France, but remained stable probably because of the Christian Democracy's long-life.

When Mitterrand arrived to power, Spadolini became Prime Minister one month after his [Mitterrand's] election. So Mitterrand already dealt with two Prime Ministers only one month after being in charge. Fanfani got to power (1^o December 1982 – 4 August 1983), the last DC's leader, for eight months, and on 4th August 1983, Craxi became President.

¹¹⁰ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1929/INVA/4533 Direction d'Europe Juillet 1976-1980, Voyage en Italie du Président de la République, s.s. 4, d.12, fol. 213, [date non spécifiée] Relations culturelles, scientifiques et techniques avec l'Italie.

But, coming back to Giscard d'Estaing and Italy's relations, the French President was trying to show some collaboration concerning the terrorism problem. On the 13th December 1975, Mario Tuti¹¹¹, Italian extreme right wing figure living in France, was extradited. He was sentenced to two years of life imprisonment due to the perpetration of three murders. Later, he was also sentenced to fourteen years of imprisonment because he led the revolt in the prison of Porto Azzurro, the jail located in the Elba Island, in August 1987.¹¹²



The jail of Porto Azzurro in the Elba Island.

Another extradition was conceded by Giscard d'Estaing in February 1981: the one of the Italian Marco Donat-Cattin, the son of the vice-secretary of the Christian Democracy. Marco had complete different political views than his father, as he was the leader of Prima Linea. Before his extradition, two leaders of Autonomia Operaia, Franco Piperno and Lanfranco Pace, were also handed over the Italian authorities in 1979.¹¹³ They arrived in France in order to escape the repression followed by the so-called "April 7 Trial"¹¹⁴. These extraditions definitely showed that Giscard d'Estaing had more or less given green light to

¹¹¹ Lanzoni, Monica (2017), *Les exilés politiques italiens et la Doctrine Mitterrand : Le juridique, le politique et l'asile français*, Viaggiatori journal, p. 197.

¹¹² During this revolt, six life-sentenced prisoners held more than twenty-five people hostage, including nine custodial agents and the director of the prison.

¹¹³ Laske, Karl (2012) *La mémoire du plomb*, Stock, p. 24.

¹¹⁴ The "April 7 Trial", or *Processo 7 Aprile*, was a series of criminal trials led against members and sympathizers of Autonomia Operaia between 1979 and 1988. Judge Pietro Calogero was in charge of the investigation. On 7 April 1979 hundreds of militants related to Autonomia Operaia were inquired and arrested. On that 7th April particularly, some of the major leaders including Toni Negri, Emilio Vesce, Oreste Scalzone and Lanfranco Pace were seized.

extraditions and expulsions for crimes of political nature: in 1980 alone, France granted 9 out of 13 Italians requests for extradition for political crimes.¹¹⁵

However, in parallel of this collaboration, Giscard d'Estaing was showing a less friendly attitude towards Italian's international relations. Some tensions occurred between the French and the Italian governments particularly referring to the "G5". This small and exclusive community was born with the "Library Group"¹¹⁶, meaning the economic ministers of five countries: the United States, France, Great Britain, Germany and Japan. Italy (and Canada) was not included and France certainly did not want to integrate Italy to such a group. However, in November 1975 at the first summit at Rambouillet, "the only country invited [...] that was not a member of the G5 was Italy."¹¹⁷ In the end, the United States forced France to accept the presence of Italians. This created a real point of displeasure for Italy.

Mitterrand became President on the 10th May 1981. He defeated Giscard d'Estaing in the second round with 51.76% of the vote, also because Giscard, after several annoying issues and particularly the so-called "diamonds affair" (*l'affaire des diamants*)¹¹⁸, lost popularity.¹¹⁹ All in all, he was not re-elected.

When Mitterrand was elected in May President of the Republic, his comments during the election campaign about political extraditions and his reaffirmation of France's status as a land of asylum did not leave Italian activists indifferent.¹²⁰ His attitude was mainly intended to mark a break with the justice policy of his predecessor who –as we have seen- had been very cooperative towards Italy in matters of extradition.

¹¹⁵ Musitelli, Jean (2010) *L'impact des années de plomb sur les relations diplomatiques franco-italiennes*, in Marc Lazar et al., *L'Italie des années de plomb Autrement* | « Mémoires/Histoire », p. 358.

¹¹⁶ Hajnal, Peter I. (2007) *The G8 System and the G20: Evolution, Role and Documentation*, Routledge, p. 12.

¹¹⁷ Sterling-Folker, Jennifer (2002) *Theories of International Cooperation and the Primacy of Anarchy: Explaining U.S. International Monetary Policy-Making After Bretton Woods*, SUNY Press, p. 114.

¹¹⁸ This scandal concerned two diamonds offered to Giscard d'Estaing by the notorious dictator Bokassa I., Emperor of the Central African Empire. In 1973, Jean-Bedel Bokassa, Marshal President of Central Africa, placed an order for a thirty-carat diamond plate destined to Valéry Giscard d'Estaing, at that time Finance Minister. On the 10th October 1979, *Le Canard enchaîné* published a facsimile of this order placement, which will become one of the journal's most famous articles. Valéry Giscard d'Estaing was then accused of having received gifts from the "bloodthirsty emperor" made by the "blood of the people". A huge debate exploded about the value and morality of the diplomatic gift.

¹¹⁹ Bat, Jean-Pierre (2013) « Les diamants (de Bokassa) sont éternels. « Pré carré » et guerre fraîche: la fabrique de la Françafrique », *Afrique contemporaine*, vol. 246, no. 2, pp. 127-148.

¹²⁰ Lanzoni, *op. cit.*, p. 189.

With Mitterrand, the left came back to power after twenty-five years of absence: he was –and continues to be– the first President from the left of the Fifth Republic. His election gave rebirth to a fundamental concept of the democratic countries: political alternation, meaning when a left-wing President succeeds to a right-wing president, or vice versa. Mitterrand decided to take a different path in his way of doing politics starting by abolishing the death penalty (1981). Subsequently, he transformed the relations with his Italian neighbour.

The transformation arrived rapidly; after the meeting of the Council of Ministers, on 12th June 1981, the Prime Minister, Pierre Mauroy, said to the magistrate and adviser for justice and human rights Louis Joinet: "The President has decided not to extradite the Italians, on the double condition that they renounce political violence and clandestinity; propose me a strategy."¹²¹ Here occurs the breach with Giscard d'Estaing's extradition strategy. Louis Joinet, a recognized specialist in international relations problems, expert at the United Nations Commission on Human Rights on problems of recognition and identification of national liberation movements in the Third World, would be the man of the situation. He was familiar with "peripheral" micro-universes which aimed to be integrated into the world,¹²² so when he arrived in Matignon his point of view was requested and -I would also add- required. He imposed his general conception: *il faut dialoguer, surtout dialoguer*, meaning *we must discuss, overall discuss*.¹²³

¹²¹ Testimony delivered by Louis Joinet during an interview with Monica Lanzoni, on the 4th November 2014.

¹²² Péret, Jean-Pierre and Villeneuve, Charles (1987) *Histoire secrète du terrorisme, Les juges de l'impossible*, Plon, p. 35.

¹²³ Péret and Villeneuve, *op. cit.*, p. 35.



Louis Joinet in Paris on 30 October 2013. Photo by Isabelle Rimbart, for *Libération*.

Joinet studied law and wanted to be a "street educator".¹²⁴ After his time at the National School of the Judiciary (*l'école nationale de la magistrature*), he became one of the founders of the *Syndicat de la Magistrature*. Louis Joinet was not fundamentally a "negotiator": he did not admit crime. He only wanted to apply his "recovery strategy" (« stratégie de récupération »), which was not even appreciated nor understood, not even in his political environment. For him, any subversive movement has “des « durs » irréductibles”, meaning some irreducible "hard" people, “et des « mous » normalisables”, and some normalizable "soft" ones. Joinet’s strategy was to put aside the soft one.¹²⁵ He succeeded with some of the two hundred Italian *Brigadists* who had taken refuge in France and who got reintroduced into the French society, as we will later study.¹²⁶ This dialogue-oriented Joinet strategy was immediately implemented by the laws of the 4 August 1981. Summarizing, it consisted in discussing with the political leaders of terrorism though never through a direct contact, always through an intermediary. Even though this method turned successful, it was not spared from critics, particularly by a large part of the judiciary (*magistrature*), who still reproach today to the Mauroy government for having pardoned (*amnistié*) the members of Action Directe and also for having released the sixty Corsicans of the FLNC [*Corses du FLNC*] imprisoned.¹²⁷

¹²⁴ *Ivi*, p. 36.

¹²⁵ *Ibidem*.

¹²⁶ *Ibid.*

¹²⁷ Péret and Villeneuve, *op. cit.*, p. 36.

However, one of the *modus operandi* of the Mitterrand Doctrine was silently settled.

A year later, on the 15th October 1982 the ministry of Justice Robert Badinter was announcing in the Senate the need to review "access to asylum".¹²⁸ In the end, Badinter set new criteria for the extradition:

- **States respecting rights and freedom and**
- **for crimes so serious that the political purpose invoked could not justify the use of unacceptable means in a democracy,**

could have obtained extradition.¹²⁹ This *Doctrine Badinter* thus made a distinction between *ends* and *means*¹³⁰ concerning extradition: if the *mean* used was violence against persons, the entitled person would lose its political qualification and extradition became possible.¹³¹ In France, before the *Doctrine Badinter* there was, already, a law stipulating extradition, the law of 1927, and this law would not be changed. But the statement of Badinter would simply specify that from that moment on, the *political motive* would not excuse everything but that the *mobile* would count. The government was warning perpetrators of "unacceptable" violence committed in a democratic country that they risked extradition, once the French courts would give the green light. Robert Badinter, this man who "cared about giving a perfect image of himself"¹³², and also this complex character, both modest and terribly proud¹³³, was setting the base of what will be called the *Doctrine Mitterrand*. Badinter simply had "the modesty of the proud."¹³⁴

The renewal of the extradition criteria had given hope to the Italian authorities for a better consideration of their requests. This explains why the number of requests has quickly increased: from 24 requests formulated in 1981 (including 5 requests for crimes of political nature and 19 for ordinary crimes), it increased to 118 requests in 1982 (76 of which were of political in nature) and to 110 requests

¹²⁸ Badinter asked: "Deuxième question: l'heure est-elle venue de s'engager dans la voie d'un droit d'asile élargi?" 4576 Sénat — Séance du 15 octobre 1982.

** Année 1982-1983. // Samedi 16 Octobre 1982 **

Journal Officiel de la République Française // Débats parlementaires // Sénat

Première session ordinaire de 1982-1983 // Compte rendu intégral – 8e Séance // Séance du Vendredi 15 Octobre 1982.

www.senat.fr/comptes-rendus-seances/5eme/pdf/1982/10/s19821015_4571_4598.pdf

¹²⁹ Cassia, Paul (2009) *Robert Badinter, un juriste en politique*, Fayard, p. 125.

¹³⁰ Lanzoni, *op. cit.*, p. 209.

¹³¹ *Ibidem*.

¹³² Rousseau, Dominique (1997) *Sur le Conseil constitutionnel : La doctrine Badinter et la démocratie*, Descartes et Cie, p. 82.

¹³³ Rousseau, *op. cit.*, p. 31.

¹³⁴ *Ibidem*.

in 1984 (62 of which were political in nature). This number did not decrease until 1987.¹³⁵

b. The Mitterrand italien.

Italy was living a whole different situation. At the time of the *Doctrine Badinter*, meaning October 1982, Spadolini was Prime Minister (28 June 1981 – 1° December 1982). His mandate went precociously to its end and he resigned in November 1982.¹³⁶ Fanfani took the reins in December 1982 bringing the DC back to power and launching his fifth turn as Prime Minister. Fanfani's return to the Presidency of the Council was considered *good news* for *Palazzo Farnese* and for Paris in general. The Christian Democrat, underlined Ambassador Gilles Martinet, knew France very well and was seen as a serious character.¹³⁷ However, during this period, we can say that the impact of the *Doctrine Badinter* was null.¹³⁸ The extradition requests sent from Italy incremented but were almost never accepted by France.

Despite the very positive premises, Fanfani's leadership broke eight months later not without any relevant result. He managed to conclude the Scotti Protocol¹³⁹ in January 1983, which will reveal to be very useful later on.

Nobody could imagine that the next election would radically change the situation and interrupt more than thirty decades of ruling from the right. DC will experience “the biggest defeat in its history” commented the French Ambassador in Rome Gilles Martinet,¹⁴⁰ and even though France didn't expect it, Bettino Craxi, leader of the Socialist Party, won the elections.¹⁴¹ On the 4th of August 1983, Italy saw its first socialist government in the whole history of the Italian Republic. Bettino, at the registry office Benedetto Craxi, born in Milan at 5

¹³⁵ Lanzoni, *op. cit.*, p. 210.

¹³⁶ Sottoriva, Samuele (2017) *Un intellettuale a Palazzo Farnese. Gilles Martinet ambasciatore di Francia a Roma (1981-1984)*, Franco Angeli, p. 80.

¹³⁷ Sottoriva, *op. cit.*, p. 80.

¹³⁸ Musitelli, Jean (2010) *L'impact des années de plomb sur les relations diplomatiques franco-italiennes* in Marc Lazar et al., *L'Italie des années de plomb*, p. 362.

¹³⁹ Signed between the government, trade unions and Confindustria on 22 January 1983, it regulated various aspects of the labour market and successfully concluded a long year and a half of negotiations.

¹⁴⁰ Sottoriva, *op. cit.*, p. 96.

¹⁴¹ *Ivi*, p. 100.

o'clock in the morning on 24 February 1934,¹⁴² will be the ruler of this brand new chapter. His father was a Sicilian lawyer who moved to the Lombard capital.¹⁴³ For the first time, France and Italy had both a head of state -Mitterrand and Pertini- and a prime minister -Mauroy and Craxi- from their socialist parties.¹⁴⁴

François Mitterrand and Craxi knew each other from the late 1970s, when Craxi was elected secretary of the Italian Socialist Party (PSI) in 1976. Once elected Prime Minister, Craxi seemed "very keen to develop privileged relations with Paris" and "to attenuate the somewhat too exclusive character of the Franco-German axis".¹⁴⁵ Not only Craxi showed willingness to reinforce the relation with France, but also the arrival of a socialist at Palazzo Chigi seemed to have increased Italian interest in French politics, its debates and its economic choices¹⁴⁶. Italians had thus a great interest in getting inspired by the French.

The arrival of a socialist in power in Rome was seen at the Elysée also as an opportunity to strengthen the solidarity of the European left in the face of the rise of ultra-liberalism that was occurring with M. Thatcher. In addition, Mitterrand admired Craxi for how he behaved during the Moro case¹⁴⁷. Mitterrand shared the action of the Italian socialists concerning the negotiations to save Moro's life, a move to which the communists were, for their part, completely opposed.¹⁴⁸

The other way round, Craxi admired Mitterrand.¹⁴⁹ Mitterrand carried the hope of a non-communist left, meaning exactly what was expected from Craxi: to be the *Mitterrand italien*¹⁵⁰, the renovator and moderniser of a socialism that suffered from the hegemony of the PCI. Nevertheless, Craxi knew that such a comparison was a delicate question because national situations were different and because, in the absence of a presidential system in Italy, the strategy of conquering power could not follow the same paths as in France. Still it remained

¹⁴² Riva, Roberto (2011) *L'inizio della corsa: l'apprendistato politico del giovane Bettino Craxi*, Università degli Studi di Milano, p. 9.

¹⁴³ Galli, Giancarlo (1982) *Benedetto Bettino*. Bompiani, Milano, pag. 11.

¹⁴⁴ Bertrand, Gilles; Frétygné, Jean-Yves and Giaccone, Alessandro (2016) *La France et l'Italie : Histoire de deux nations soeurs de 1660 à nos jours*, Armand Colin, p. 124.

¹⁴⁵ Sottoriva, *op. cit.*, p. 103.

¹⁴⁶ *Ivi*, p. 108.

¹⁴⁷ In the kidnapping of Aldo Moro, Craxi proposed a negotiation that would lead to a more "humanitarian" solution, meaning to Moro's liberation. Contrary to the majority of the DC and the PCI leaders, Craxi proposed to negotiate to save Moro at any cost from the hands of the R.B. He was promptly isolated from the rest of the Italian political class.

¹⁴⁸ Gervasoni, Marco (2010), *La gauche italienne, les socialistes Français et les origines de la « Doctrine Mitterrand »*, in Marc Lazar et al., *L'Italie des années de plomb*, p. 325.

¹⁴⁹ Institut François Mitterrand, *témoignage de Bettino Craxi – Lettre d'adieu*, (10 décembre 2004).

¹⁵⁰ *Ibidem*.

that Mitterrand was a reference for the new head of the Italian government, ironically nicknamed the "Mitterrand of the Bovisa"¹⁵¹, the district of Milan where Craxi grew up. The two men had known each other well during the meetings of the Socialist International. Despite some occasional clashes, their relations was marked by cordiality which made it possible to resolve many disputes.¹⁵²

In addition to this, we have to consider that Europe was going through a strong conservative wave, as mentioned before, considering the strength of Margaret Thatcher (1979-1990), the *iron lady*, and the US ruled by the conservative Ronald Reagan (1981-1989). All in all, the victory of Craxi had been certainly positive for Mitterrand.

Moreover, Mitterrand loved Italy¹⁵³ and he really tried to recreate normal ties with Rome. After his arrival at the Elysée, when he became President, changing the relations between Italy and France was one of his objectives. He tried to transform the relations with his Italian neighbour, as mentioned before, and the renewal of the extradition criteria had given hope to the Italian authorities for a better consideration of their requests. So, a period of better relations started, not without any friction or misunderstanding.¹⁵⁴ However, the non-consideration of the extradition requests, and the continuation of attacks, not only in Italy but also in France, from the extreme left groups, became bitter and bitter.

In September 1983, the formerly introduced Toni Negri leader of Potere Operaio, escaped to Paris. The Venetian extremist had been first arrested on 7 April 1979 in his apartment in Milan (during the famous "7 April Trial", see note n°...), then he stayed in prison in Italy, and finally he managed to escape. Italy

¹⁵¹ Bertrand; Frétygné and Giacone, *op. cit.*, p. 128.

¹⁵² For example, at the beginning of the 1980s, an important disagreement occurred between the two countries concerning the wine market. France and Italy were the world's leading producers (of wine), their respective markets had evolved over the years: their combined production amounted to some 150 million hectares and represented two thirds of the total within the EEC.¹⁴ However, the new European regulation of 1977 aimed to reduce the area under wines in order to avoid overproduction. The "wine war" («la guerre du vin») broke out in 1982 and poisoned the Italo-French bilateral relations for several years. At the Franco-Italian summit in November 1984 Mitterrand stated that "France and Italy consult each other, work together, identify the few points of disagreement, but they are important in relation to the many points of agreement". A journalist asked also Craxi if the problem was being solved. "I hope to be able to celebrate the conclusion of an agreement soon by opening a bottle of French wine," replied the Italian President of the Council. They tried always to see the more positive solution.

¹⁵³ "Venice would have been his last Italian passion", wrote the journalist Bernardo Valli talking about Mitterrand. He loved Italy's landscapes and women, as Gilles Martinet, the French ambassador in Rome, remembered: "The socialist president of the Fifth Republic loved our culture, our landscapes and also our women, who did not leave indifferent his nature of impenitent seducer."

¹⁵⁴ It was also a moment when the French President was very interested in prioritizing the Franco-German axis.

started to ask for explanation to France considering the reception and hosting of Toni Negri in the country.¹⁵⁵ *Le Figaro* denounced the behaviour of Pierre Mauroy and Robert Badinter, their "reckless" (« *inconsidérée* ») conduct threatening not only to endanger the relations with Italy but also to transform France into a land of asylum for Euro-terrorism.¹⁵⁶ *Le Figaro* was right, tensions increased with Italy and Negri's arrival in France was already a diplomatic problem between the Craxi and Mauroy governments.¹⁵⁷

Virginio Rognoni, former Minister of the Interior during the hardest years of the fight against terrorism (from 1978 to 1983), filed (déposa) a parliamentary inquiry (interpellation parlementaire) to ask the French authorities for more cooperation on the Toni Negri case.¹⁵⁸ We would lie if we said that this cooperation existed.

Despite this friction, the period during which Craxi was Prime Minister (1983-87) was one of the most fruitful in Franco-Italian relations, particularly considering that the Franco-Italian cooperation was making decisive progress also in the European field; Mitterrand wished to preserve good relations with Rome.¹⁵⁹¹⁶⁰ He truly wished to avoid placing Craxi in difficulty on such a delicate issue as the management of the consequences of terrorism.¹⁶¹

Also because, in the end, never, in any case, Mitterrand will find such a close relationship with Craxi's successors.¹⁶² When, in the 1990s, Craxi had problems with his country's justice system in the *Mani pulite* investigation, and he had to exile in Tunisia, he will remain in contact with the French president. Their relationship continued until a few years before Craxi's death. Six months before

¹⁵⁵ Gervasoni, *op. cit.*, p. 330.

¹⁵⁶ *Ibidem.*

¹⁵⁷ *Ibidem.*

¹⁵⁸ *Ivi*, p. 331.

¹⁵⁹ Institut François Mitterrand, *témoignage de Bettino Craxi – Lettre d'adieu*, (10 décembre 2004).

¹⁶⁰ Mitterrand involved Italy in its strategy to relaunch European integration and Craxi will perfectly meet Mitterrand's expectation. The Italian Prime Minister will contribute, at the Milan European Council in 1985, to isolate Mrs Thatcher and to put the Single European Act on track. All in all, Craxi skilfully played his card alongside the Franco-German duo sharing the common objective of resisting Mrs. Thatcher and succeeding. These were also the years when, under Jack Lang's leadership of Culture, he who was for ten years French Minister of Culture, cultural exchanges shone with unprecedented brilliance, with the institution of the *Fête de la Musique* and the *Journées nationales du patrimoine*, today the *European Heritage Days*.

¹⁶¹ Musitelli, *op. cit.*, p. 364.

¹⁶² Institut François Mitterrand, *témoignage de Bettino Craxi – Lettre d'adieu*, (10 décembre 2004).

leaving office, François Mitterrand received from Hammamet, Tunisia -where Craxi resided (and where he died on 20 January 2000)- a handwritten letter:

"Dear President,

exiled for I don't know how much longer in Tunisia, when I think of you, I come to the conclusion that even the French who do not love you today will be forced to reconsider their feelings.

After you, as far as I understand the situation, I see only a big void on the French political scene.

You have given France and the world the image of authority in its rarest form: the authority of intelligence.

It is with gratitude that I remember our relationship and our collaboration, which, from the beginning, was fraternal. Personally, I find myself in a difficult situation and in many ways absurd, victim of a false "revolution". And yet, I still feel strong enough to keep fighting and defending myself.

I wish you all the best and I hope that your pain, as you once told me, will continue to be "reasonable".

With my deep sense of admiration and friendship.

Your B. Craxi"¹⁶³

However, even though we can say that they mutually proved self-esteem for one another, many would say that Mitterrand appreciated more Berlinguer, the leader of the PCI, than Craxi, prosecuted by justice and destined to finish his life out of his country.¹⁶⁴ Gilles Martinet, the French ambassador, would say: "Mitterrand shared with the left-wing French the idea that the PSI was not much worth it, that it was linked to corruption and that did not dare to undertake an audacious strategy like the French one."¹⁶⁵ The French intelligentsia, in truth, had long favoured the PCI. "It was the best Italian export product."¹⁶⁶ Mitterrand, who was a man of manoeuvre and strategy, appreciated the culture of Togliatti but, over time, he couldn't but recognize Craxi's qualities as a statesman.¹⁶⁷

¹⁶³ *Ibidem*.

¹⁶⁴ Institut François Mitterrand, *Il tenait l'Italie à l'oeil*, Bernardo Valli (15 décembre 2004).

¹⁶⁵ 'Mitterrand, amante dell'Italia ma non sopportava Craxi', Archivio, *La Repubblica*, 2006.

¹⁶⁶ *Ibidem*.

¹⁶⁷ *Ibidem*.

Nevertheless, the appreciation or depreciation of France was certainly a matter of importance for concerning the PSI. But more important was than within Italy, the left itself disliked Craxi and the PSI, particularly the communists.

CHAPTER II

THE DOCTRINE IN PRACTICE

SUMMARY: 1. The proclamation of the Doctrine Mitterrand. – 2. Meaning, purpose and reactions to Doctrine. – 3. Who benefitted from the doctrine and how?

1) The proclamation of the Doctrine Mitterrand.

In this context boiling news and scandals concerning terrorists and Red Brigades did not stop.

The arrival of Craxi as Italian Prime Minister could look like a favourable situation for terrorism. However things did not go perfectly for Italy concerning terrorism, and neither were they for France. As mentioned before, on 25 January 1985, René Audran was assassinated by Action Directe, and Craxi, on his side, had a very delicate problem with the President of the Republic Pertini. When Audran was killed, the police services strengthened their surveillance on Italian exiles, fearing that the last pieces of the armed party would establish an operational link with the French small groups¹⁶⁸.

The breach was triggered by a disruptive element: while on while on a private visit to Paris, the minister of Labour –Gianni De Michelis– shook hands with the above mentioned founder of *Potere Operaio* Oreste Scalzone. The gesture not only was seen as a scandal by the Italian press but the President of the Republic publicly condemned the Socialist Minister's behaviour and sent a formal letter to the President of the Council asking him for explanations. If the relation between Pertini and Craxi was formerly problematic, it reached a climax at this point.¹⁶⁹

These two news pushed President Mitterrand to break the silence. He gave a speech at the Palais des Sports in Rennes, on 1 February 1985, five days after the death of Audran and in the heart of the dispute between Craxi and Pertini:

" [...] I have decided to extradite, without any regret, a number of men accused of committing crimes. I'm not making a policy of it. The right of asylum, as soon as it is a contract between the person benefiting from it and France hosting this person, will always be and has always been respected [...]. I refuse to *a priori* consider as active and dangerous terrorists men who came,

¹⁶⁸ Musitelli, *op. cit.*, p. 364.

¹⁶⁹ Gervasoni, *op. cit.*, p. 333.

particularly from Italy, long before I exercised my responsibilities, and who had just gathered here and there, in the Parisian suburbs, repented... halfway, completely... I don't know, but out of the game. Among them, no doubt, about thirty are active and relentless terrorists. These are the ones we don't control, that is, we don't know where they are! [...] France is nevertheless a country - without me being able to prejudge in any way what will happen tomorrow - in which we have seen a less bloody trace than elsewhere, even if it is still too bloody. But I say out loud: France *is* and will be in solidarity with its European partners, in accordance with its principles and rights: it will be in solidarity, it will refuse any direct or indirect protection for active, real and bloody terrorism. »¹⁷⁰

The highlighted sentence is considered today the origin of what the press further baptised: the "Mitterrand Doctrine". Substantially, it meant that the French President refused to extradite the men and women who were simply hiding in Paris without affecting its peaceful day-to-day life and who had broken with violence.

For the scholars Gervasoni & Mazéas, that 1st February's speech was the statement of the Mitterrand Doctrine. Nevertheless, other scholars have different opinions. Monica Lanzoni, for example, states that the doctrine was born on that morning of June 1981 when Mauroy asked Joinet to propose him a strategy not to extradite the Italians who renounce political violence and clandestinity.¹⁷¹

However, if we look closely, a preannouncement of this doctrine was already made with the before mentioned *Doctrine Badinter* (15th October 1982), so the Doctrine Badinter was just a prefiguration of what was later the "Mitterrand Doctrine"¹⁷², only with a more legal and administrative nature. This doctrine came with new criteria for extradition; it could, for example, be obtained respect for rights and freedom by States. If we look with more attention we realize that Mitterrand, in reality, did not claim anything new compared to what Badinter had

¹⁷⁰ Institut François Mitterrand (IMF), *La France, l'Italie face à la question des extraditions* (17 juin 2004).

« [...] Je refuse de considérer a priori comme terroristes actifs et dangereux des hommes qui sont venus, particulièrement d'Italie, longtemps avant que j'exerce les responsabilités qui sont miennes, et qui venaient de s'agrèger ici et là, dans la banlieue parisienne, repentis... à moitié, tout à fait,... je n'en sais rien, mais hors du jeu. »

¹⁷¹ See note n°121, p. 36. "Si on voulait fixer une date, un acte de naissance de ce qui a été appelé au fil du temps et non sans approximation, la Doctrine Mitterrand, ce serait celle-ci : une matinée du juin 1981, un mois seulement après l'élection du premier président socialiste de la cinquième République."

¹⁷² Lanzoni, *op. cit.*, p. 208.

decided at the end of 1982.¹⁷³ But, in the middle of the debate on the De Michelis-Scalzone Case, this gesture really could be read as a helping hand for Craxi.¹⁷⁴

The speech of the French Head of State was greeted more than freshly in Italy, especially by the left, but not really by the communists neither by the Republicans. This *help* brought by Mitterrand to Craxi looked somehow like if there had been a secret pact between the Italian Prime minister and the *Élysée*. Craxi had to answer to the critics of the majority in Parliament; he defended De Michelis and criticized France more than ever.

Despite the fact that he had put a lot of emphasis on relations with Mitterrand, Craxi criticized France and so far, no Italian President of the Council had so harshly criticized France about the refugee problem. For Craxi, the French guarantee prevented the work of the Italian judiciary by rejecting "completely justified, legitimate requests that did not only meet the requirements of justice but also of safety".¹⁷⁵ Craxi's speech ended the controversy in Italy but irritated Paris. A few days before Craxi's speech, Italy had not been invited to a meeting on Euro-terrorism attended by Laurent Fabius and German Chancellor Helmut Kohl.¹⁷⁶

Other scholars, differently from Monica Lanzoni or from Gervasoni, fixed different dates and moments for this doctrine. Musitelli, for example, stated that the Mitterrand Doctrine was announced twenty days after what Gervasoni believes, meaning on 22 February 1985. On that day, Craxi was in France and he had a working lunch with Mitterrand. In the summary report of this working lunch something crucial was reported; Mitterrand explained that only the Italian refugees that have "committed blood crimes" will be extradite to Italy:

"We have about 300 Italian refugees in France since 1976 who, since they have been with us, have "repented" and for whom our police have nothing to reproach. There are also about thirty Italians who are dangerous but they are illegal. So first we have to find them. Then they will only be extradited if it is proven that they have committed blood crimes. If the Italian judges send us serious files proving that there has been a blood crime, and if the French justice system gives a positive opinion, then we will accept extradition.

¹⁷³ Gervasoni, *op. cit.*, p. 334.

¹⁷⁴ *Ibidem*.

¹⁷⁵ Gervasoni, *op. cit.*, p. 335.

¹⁷⁶ *Ibidem*.

For the newcomers, we are ready to be very strict and to have the same agreement with you as with Spain."¹⁷⁷

On that same day, Mitterrand had a joint press conference with Bettino Craxi (22 February 1985). He stated out loud his idea:

"The principles of action are simple to define. They are often less easy to implement. This is terrorism, which is by definition clandestine; it is a real war. Our principles are simple.

Any crime of blood on which we are asked for justice - from any country and particularly Italy - justifies extradition as soon as the French courts decides it.

Any crime of obvious complicity in blood cases must lead to the same conclusions.

France [...] is leading an uncompromising fight against terrorism. Since I have been in charge of public affairs, there has never been a compromise and there will never be one.

The particular case that is being asked of us and which feeds into the conversations is that of a certain number of Italians who have come, for the most part, to France for a long time. There are about 300 of them - more than 100 were already there before 1981 - who have clearly broken with terrorism. Even if they have been guilty before, which in many cases is likely, they have been received in France, they have not been extradited, they have intertwined with French society, they live there and have very often married. In any case, they live with the family they have chosen, they work, most of them have applied for naturalization

They pose a particular problem on which I have already said that apart from the evidence - which has not been provided - of direct involvement in blood crimes, they will not be extradited. I repeated this earlier to the Prime Minister [Craxi], not in response to what he was asking me to do, but in response to a number of legal proceedings that have been taken against France.

Of course, for any seriously substantiated case that demonstrates that blood crimes have been committed or that [...] some of them would continue to engage in terrorist activities, they will be extradited or, depending on the extent of the crime, deported. »¹⁷⁸

Finally, Fred Vargas stated that the Doctrine Mitterrand was announced on the 20 of April 1985, during the 65th Congress on Human Rights League (Congrès de la Ligue des Droits de l'Homme, LDH):

¹⁷⁷ Original French speech: « Nous avons environ 300 Italiens réfugiés en France depuis 1976 et qui depuis qu'ils sont chez nous, se sont "repentis" et auxquels notre police n'a rien à reprocher. Il y a aussi une trentaine d'Italiens qui sont dangereux mais ce sont des clandestins. Il faut donc d'abord les retrouver. Ensuite ils ne seront extradés que s'il est démontré qu'ils ont commis des crimes de sang. Si les juges italiens nous envoient des dossiers sérieux prouvant qu'il y a eu crime de sang, et si la justice française donne un avis positif, alors nous accepterons l'extradition. Pour les nouveaux arrivants, nous sommes prêts à être très sévères et à avoir avec vous le même accord qu'avec l'Espagne. Nous sommes prêts à extraditer ou à expulser à l'avenir les vrais criminels sur la base des dossiers sérieux. »

¹⁷⁸ *Conférence de presse conjointe de M. François Mitterrand, Président de la République, et de M. Bettino Craxi, Président du Conseil italien, Paris, Palais de l'Elysée, vendredi 22 février 1985.*

" - Ladies and gentlemen, it was in 1789, do I need to remind you, that the French Revolution laid down the principle, never before heard in the world: "All men are born and remain free and equal in rights". Thus, the constituents proclaimed equality between all human beings, regardless of their colour, sex, social rank or origin. No one had dared to do that before.

- It was in 1898, at the time of the Dreyfus affair, that the League for Human Rights was born from the protest against [an] injustice [...] and engaged in the fight against the violation of the law to the detriment of a citizen.

- Finally, it was in 1948 that the United Nations General Assembly voted under the name of the "Universal Declaration of Human Rights", the charter on which all powers should be based.

- Two centuries, a century, almost half a century, you'd think we were talking about old days. Nothing could be farther from the truth. [...]

Let us take the case of the Italians, out of some three hundred Italians who have been involved in terrorist action in Italy for many years, before 1981 more than a hundred came to France, broke with the *infernal machine* in which they had engaged, proclaimed it, entered a second phase of their lives, entered French society, often married there, founded a family, found a profession. Of course, if it was shown that one of them was failing to fulfil his commitments [...] we would react, but I told the Italian Government [...] that these three hundred Italians - it is of course a very global figure that does not commit me in any way, but it means what it means - were immune from any sanction by extradition, and that those of them who were pursuing the methods that we condemn, that we do not accept, that we will punish, well, we will know, and knowing it, we will extradite. Saying this in a Congress of the League for Human Rights is not the easiest thing to do. I say it almost in a low voice, I will be, for my part, uncompromising, I would say implacable, against any form of terrorism."¹⁷⁹

Some say that this is the beginning of the doctrine Mitterrand. In a way or another, Mitterrand had repeated several times what Badinter said in 1982 and was already (however) in the bilateral Convention on extradition of 1870. What remains is that the so-called "Mitterrand Doctrine" was established in 1981, as soon as François Mitterrand was elected President of the Republic. The general features of the "doctrine" were formulated before his election¹⁸⁰ and Louis Joinet, magistrate and adviser for justice and human rights within the office of the Prime Minister Pierre Mauroy was in charge of formulating the principles. Simply, the Mitterrand Doctrine stated that the Italians who fled Italy because of their implications in the struggle of the extra parliamentary red groups will not be extradited, but under three conditions:

¹⁷⁹ Vargas, Fred (2004) *La Vérité sur Cesare Battisti*, Viviane Hamy, p. 159-161.

Speech also retrievable at: discours.vie-publique.fr/notices/857006200.html

¹⁸⁰ « La 'doctrine Mitterrand' » (21 février 2019), agauche.org/2019/02/21/la-doctrine-mitterrand/.

- not to remain in hiding (“*rester dans la clandestinité*”),
- not to contribute to the armed struggle in France,
- not to be charged with blood crimes in Italy.

In 1985, after his meeting with Bettino Craxi, Mitterrand simply defined the doctrine publicly. So, the truth is that the "doctrine" had been in place for several years and, in 1985, François Mitterrand only openly expressed what the media today call "doctrine".¹⁸¹ Before 1985, the "refugees" already lived their lives in France, integrating themselves into French society way before these four statements.

2) Meaning, purpose and reactions to Doctrine.

a. Meaning & purpose.

So, the Mitterrand Doctrine was introduced or, at least, claimed. The least we could say concerning this doctrine is that it sounds *vague*, not extremely rigorous or specific.

One very simple and logic question we could at this point ask ourselves is: what *is* exactly the Mitterrand Doctrine? Since the answer could seem more complicated than what it actually is, we can start by saying what the Mitterrand Doctrine actually *isn't*. The Mitterrand Doctrine is not a law, neither a proper defined doctrine. Hence, the Mitterrand doctrine has no legal effect. It does not really want to add something to the legal system and nor to take something off. It is not a public act nor it lays down any type of rules.

Indeed, it is only an affirmation, a tacit agreement, a practice, a *modus vivendi*.¹⁸² The French political actors and lawyers have often preferred this last term, “*modus vivendi*”, to the more formal term given by the press “Doctrine Mitterrand”.¹⁸³ Because, in the substance, the Mitterrand Doctrine really was a *way of life*, meaning a particular attitude, a policy of attention by the French government towards the Italian population. With all of these things said, it would be inaccurate not to define this doctrine as *vague* as, in addition to all, the

¹⁸¹ « *Les motivations de la ‘doctrine Mitterrand’* » (22 février 2019), agauche.org/2019/02/22/les-motivations-de-la-doctrine-mitterrand/.

¹⁸² Musitelli, *op. cit.*, p. 365.

¹⁸³ Lanzoni, *op. cit.*, p. 190.

Doctrine is rather *une parole donnée*, a "given word" more than a proper doctrine, that it has never been and will never become. In this sense it is different from the Doctrine Badinter; still, even though vague, the Mitterrand Doctrine is a clarification of the realization of the administrative phase of the extradition. And even though vague, the Mitterrand Doctrine will last thirty-five years.

All in all, the Doctrine Mitterrand is simple.¹⁸⁴ It consists in affirming that Italians residing in France, prosecuted for acts related to violent political action, won't be extradited, unless they have been guilty of -or complicit in- blood crimes or if they continue to have terrorist activity from far. In other words, it says that who fled Italy, because he/she participated in the armed struggle of part of the extra parliamentary Left, can remain in France despite the condemnations in his country. We can analyze a very interesting point here; we easily get that this *doctrine* protects the refugees, but at the same time it also made their condition somehow undefined because their asylum was likely to end at any time, requiring some undefined documents¹⁸⁵. Any legal formulation, any legal constraint will come from this doctrine; the "given word", *la parole donnée*, is everything.

Hence, the "Mitterrand doctrine" is an instruction to the State apparatus from judges to police officers. And have we thought about the fact that the French government would have had the right and the means to free itself from the problem by granting a huge *en masse* extradition requested by Italy?

However, France decided to act differently. It rather called on human rights experts, judges, lawyers, advisers ministerial and special service men, to define a strategy to meet a challenge: finding a *voie à la pacification*, meaning a path to pacification¹⁸⁶, and to ensure a definitive exit from violence, without resorting to police measures. François Mitterrand made this decision for three reasons:

1. to protect France from armed violence;
2. to respond to Italy's refugees problem in a **political** and **not repressive way**, while offering them an escape from illegality on the condition that they integrate and compel to the rules of the democratic game;

¹⁸⁴ Musitelli, *op. cit.*, p. 365.

¹⁸⁵ See the Persichetti case.

¹⁸⁶ Joinet, Louis (2013) *Mes raisons d'État: Mémoires d'un épris de justice*, La Découverte, pp. 203-204.

Joinet created this expression which was subsequently used by the press.

3. to create "an in vivo laboratory for a solution that would enable Italy to emerge from its "years of lead"¹⁸⁷ at a time when the armed struggle in Italy was in the process of giving its last breath. This, in fact, means to give a certain amnesty to those people.¹⁸⁸

In addition to this, the doctrine insisted on the notion of “**crime of blood**”. This can lead us to think that Mitterrand wanted to make it impossible for anyone to think that France could shelter the assassin of someone’s family. He didn’t want any of the victim of terrorism, or parent of a victim of terrorism, to blame on France for this.

Joinet writes, “In the end, as we know, this "Mitterrand doctrine" won/prevailed (*l'a emporté*). [...] It did not prevail (*elle ne l'a pas emporté*) as a "doctrine" (no position or policy assumed by a president sets a precedent by itself) (*aucune position ni aucune politique assumée par un président ne fait jurisprudence par elle-même*), but it did establish itself as a practice of intelligent pacification (*une pratique de pacification intelligente*), responding to a very specific situation, which no French government subsequently wanted to question [...]”¹⁸⁹.

b. Reactions.

1. Italian reactions.

How could such a doctrine be welcomed? We said before that the Badinter renewal of the extradition criteria in 1982 had given hope to the Italian authorities for a better consideration of their requests. And this explained why the number of requests had increased.¹⁹⁰ At the same time we could say that, for Craxi, the Doctrine was a satisfaction.¹⁹¹ “Mitterrand has given Craxi real satisfaction”, “by

¹⁸⁷ Simmonot, Dominique (2004) « Paris a joué un rôle apaisant pour toutes les parties », *Libération*.

¹⁸⁸ Lanzoni, *op. cit.*, p. 193.

¹⁸⁹ Joinet, *op. cit.*, p. 212. “Au final, comme on sait, cette "doctrine Mitterrand" l'a emporté. [...] Elle ne l'a pas emporté comme "doctrine" (*aucune position ni aucune politique assumée par un président ne fait jurisprudence par elle-même*) »

¹⁹⁰ See note n° 135, p. 39.

¹⁹¹ Musitelli, *op. cit.*, p. 368.

showing his solidarity with Italian democracy against terrorism [...].”¹⁹² As we said before, Mitterrand's help to Craxi turned out to be a boomerang¹⁹³, much as if there was a secret agreement between the Italian President of the Council and the Elysée.¹⁹⁴ So much so that Craxi, on 7 February 1985, had to answer to Parliament for criticism from the majority and the opposition. Defending De Michelis (he who shook hands with Scalzone in Paris), the President of the Council was more severe than ever on the terrorist problem: he resolutely opposed any hypothesis of amnesty, denounced the resurgence of red terrorism, and clearly criticized France.¹⁹⁵ Craxi said that Paris was in danger; it was becoming one of the European centres of terrorism, because the French guarantee prevented the work of the Italian judiciary by rejecting "completely justified, legitimate requests, meeting not only the requirements of justice but also of safety". Craxi's reaction seemed a real paradox concerning all the efforts he did for improving the relations with François Mitterrand. Craxi's speech ended the controversy in Italy but irritated Paris.

At this point it is interesting noticing what happened slightly before Craxi became Prime minister. Already on the 8th of January 1981 Italy thought of France as a country who helped the terrorists. The French Ambassador in Italy François Puaux wrote in a telegram: “It is expectable that President Pertini, during the lunch with Monsieur le Président de la République, evokes the problem of terrorism [...]. »¹⁹⁶ The Italian President of the Republic Sandro Pertini said that he was convinced that the bases of Italian terrorists were abroad, adding: “- Careful, don't make me say that these bases are in France. No one at the moment has the proof ... these are problems that we will have to address with President Giscard d'Estaing when he will come to Rome during this month of January ”.¹⁹⁷ Puaux included, launching the quarrel between the two countries: “M. Pertini [...]

¹⁹² Musitelli, *op. cit.*, p. 368.

¹⁹³ Gervasoni, *op. cit.*, p. 334.

¹⁹⁴ *Ibidem.*

¹⁹⁵ Gervasoni, *op. cit.*, p. 335.

¹⁹⁶ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1930/INVA/5343 Direction de l'Europe (1981-1985), C.P. Italie, s.s. 13, d.3, 8 Janvier 1981, Visite de Monsieur le Président de la République. Entretien avec le Président Pertini.

Original text: “En réalité le gout des sociétés secrètes et de l'assassinat comme forme d'action politique, de l'époque de Machiavel à nos jours en passant par les Carbonari du Risorgimento et le Squadrisme des années Vingt, se retrouve à toutes les périodes troublées de l'histoire italienne et apparaît comme une constante du tempérament national. Il serait utile dans ces conditions de prévoir dans le dossier du Chef de l'Etat une note précisant la coopération très large que nous avons donnée à l'Italie, notamment en matière d'extradition.”

¹⁹⁷ *Ibidem.*

likes to think that Italian terrorism is controlled from abroad. [...] In reality, the taste for secret societies and assassination as a form of political action, from the Machiavellian era to the Carbonari of the Risorgimento and the Squadristi of the Twenties, can be found in all the troubled periods of Italian history and appears as a constant of the national temperament. It would be useful in these circumstances to include in the Head of State's file a note specifying the very broad cooperation we have given to Italy, particularly in the field of extradition.»¹⁹⁸

For the Italian left especially, the speeches at the Palais des Sports in Rennes, on 1 February 1985 and of the 20 of April 1985, during the 65th Congrès de la Ligue des Droits de l'Homme of the French Head of State was greeted more than freshly.¹⁹⁹ However, it would be inaccurate to state that the Doctrine Mitterrand perfectly welcomed by everyone. Indeed: it created debate, critics and controversies. “When Mitterrand was elected in May President of the Republic, his comments during the election campaign about political extraditions and his reaffirmation of France's status as a land of asylum did not leave Italian activists indifferent.”²⁰⁰ Particularly, two groups of politicians were not okay with the doctrine, meaning the communists and the Republicans. A bit earlier than February 1985, meaning January, moment where, however, the principles stated by the President were already in vigour, Spadolini, at that time Minister of Defence and secretary of the Italian Republican Party (PRI), wrote a letter, on the 30 January 1985, to the French freshly new Ambassador Jacques Andreani (1984-1988):

“Dear Ambassador,

After our cordial telephone conversation this morning, I wish again, in all friendship, to clarify the terms of my position on the well-known problem of Italian citizens, accused or convicted of terrorism, and refugees in France.

¹⁹⁸ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1930/INVA/5343 Direction de l'Europe (1981-1985), C.P. Italie, s.s. 13, d.3, 8 Janvier 1981, Visite de Monsieur le Président de la République. Entretien avec le Président Pertini.

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Il serait utile dance ces conditions de prévoir dans le dossier du Chef de l'Etat une note précisant la coopération très large que nous avons donnée à l'Italie, notamment en matière d'extradition. »

¹⁹⁹ Gervasoni, *op. cit.*, p. 334.

²⁰⁰ Lanzoni, *op. cit.*, p. 189.

First of all, I would like to confirm, in the clearest possible terms, that all my speeches on this subject have been made in my sole capacity as **national secretary of my party**, excluding any confusion with my institutional responsibilities as **Minister for Defence** and **member of the Council of Ministers**. My speeches have, moreover, taken up and expressed a widely held opinion among the members of my party.

This opinion can be summarised as follows. The Italian Republicans recognise themselves in the great civil and moral tradition of **the right of asylum**, which is also **stated in Article 10 of our Constitution**: a tradition which has always found in France an application which honours the whole of Europe. However, they believe that **the explosion of terrorism against fully democratic governments**, in which the separation between the power of government and the judiciary is very clear and in which the defence of the accused is guaranteed at every stage of the proceedings, has created a new problem, which arose around the seventies and which, to us, did not seem to be sufficiently deepened.

It does not seem fair to us to speak of the right of asylum for people who have practised violence and armed banditry against democratic countries such as post-frankist Spain, the Federal Republic of Germany or, indeed, Italy.

Moreover, the Republicans, who are also members of an infra-national institution, such as the European Parliament, are convinced that this paradoxical homogeneity between political refugees who escape the bloody dictatorships that we all know, and "political refugees" who instead aim to destabilize democratic countries of the West, entails, for the objective concentration of organized political crime, real risks of contagion for the whole of Europe.

This is why the Republican party, in its political autonomy, has turned to public opinion to carry out a friendly form of persuasion towards France, a great friendly nation and ally to which, in a spirit of secular friendship, the Republicans have always looked from Mazzini, through Garibaldi, to Carlo Rosselli, as the homeland of all freedoms.

Believe me with great friendship.²⁰¹

To this letter, the French Ambassador Andréani answered:

Dear Minister,

Thank you for the letter you kindly sent to me on 30 January. I appreciate the spirit of friendship you express towards my country. I know that this feeling is sincere in you and also how widespread it is in your country, just as also the mutual feeling of attachment to Italy is widely present among my compatriots.

²⁰¹ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1930/INVA/5343 Direction d'Europe 1981-1985, Italie, s.s. 13, d.3, 30 Janvier 1985, Partito Repubblicano Italiano – Il Segretario politico.

It was the very strength of this friendship that caused our surprise when public statements from you reproached our country for the **profoundly unfair and serious accusation** of an **attitude of complacency towards a terrorist scourge from which France itself has suffered** and is **still suffering tragically**.

You point out that these positions were expressed by you in your sole capacity as Political Secretary of the Republican Party. However, I note that **neither the press nor the public**, both French and Italian, whose naturally demanding view of the political responsibility of statesmen is known to you, **has believed it impossible to distinguish the opinions of the first leader of a major Italian party, from those of the Minister of Defence** and the member of the Government of the Italian Republic.

With regard to the important issues you have raised, crime control officials in both countries are addressing them together in a climate of cooperation that is recognized as satisfactory by both sides. But beyond this indispensable collaboration, the representatives of France are always ready to discuss these problems in the greatest good faith and open-mindedness, as long as such a debate is free of any public questioning,

I assure you, Minister, that you will always find in me this openness and good faith, in keeping with the spirit of friendship that inspires France's attitude towards your country.

Please accept, Sir, the assurance of my highest consideration.

Jacques Andrani Ambassador of France²⁰²

The fact that Italy was sending the extradition requests and that France did not extradite anyone started to be embarrassing for Italy, but most of all, what was really embarrassing, were those statements claimed in Spadolini's letter: France was questioning the Italian democratic system. "The French socialists' judgment on Italy (notably that of Claude Estier, François Mitterrand's right-hand man) was very pessimistic: [Italy was] a fragile state, dominated by a party, the Christian Democracy (DC), not really democratic; a country with a corrupt judiciary, where the risk of a *coup d'état* was permanent."²⁰³ Sometimes the French people even went to call Italy a "semi-democracy": "a country - Italy - interspersed with political trials where respect for individual guarantees was precarious, in short a semi-democratic country."²⁰⁴

When Mitterrand made his statement, he knew he would be compromising his relation with the peninsula. He knew it was a risk. He knew, his decision could

²⁰² Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1930/INVA/5343 Direction d'Europe 1981-1985, Italie, s.s. 13, d.3, fol. 11, 2 février 1985, L'Ambassadeur

²⁰³ Gervasoni, *op. cit.*, p. 323.

²⁰⁴ *Ivi*, p. 326.

embarrass Italian politicians “for a long time to come”²⁰⁵ and compromise diplomatic relations between the two countries by stirring up endless controversies.²⁰⁶ That is exactly what happened and to give a coherent example it is worth to mention Toni Negri’s case. In September 1983, France was denounced as the place where Toni Negri took refuge following the vote of the Italian Chamber on 20 September 1983, cancelling his immunity as a Member of Parliament. From the French Embassy in Rome, Jean Musitelli warned his government of the repercussions this case would have on the diplomatic field, if the information was confirmed, while indicating the possibility of arrest and extradition. Tension with Italy increased again. In Paris, the Prime Minister tried to deny knowing whether Negri was in France even if it was pretty obvious, considering that Negri was already granting interviews in Paris. But Rome had never acknowledged that the state of emergency had affected constitutional rights and the French President has never used this type of argument to reject extraditions.

However, the Negri affair has not ceased to attract criticism from the Italian side.

2. French reactions.

For what concerned Toni Negri, Italy was not the vexed. The case triggered a huge debate also in France, fuelled by intellectuals close to Negri, on the state of emergency in Italy to eradicate terrorism, and speculating on the use of emergency laws, including the use of extended pre-trial detention without rules for persons accused of political offences and the use of confessions by repentant persons. Intellectuals defended Negri and there was a real mobilization against Italy in this sense.

Moreover, Italy was annoying France. On 8 February 1985 the Foreign Minister Roland Dumas wrote a telegram to the French ambassador in Italy. “I note that the firmness and clarity of our position on terrorism as stated by the President of the Republic in Rennes on 1 February (my telegram No. 5937) **have not put an end to the trial on the subject that has been brought against us in**

²⁰⁵ Lanzoni, *op. cit.*, p. 193.

²⁰⁶ *Ibidem.*

a more or less insidious way.”²⁰⁷ Dumas specified that he was still finding -in the messages the French ambassador sent him, and in the press comments- “the **criticism of our conception of the right of asylum**, the insinuations about our **judicial laxity** or our **refusal to cooperate with the countries bordering our country**.”²⁰⁸ The Minister of the Foreign Affairs tried to explain again the French position on the right of asylum. On the topic, Roland Dumas wrote: “I will not go back to the place it [the right of asylum] has held and continues to hold in our tradition. Let it be clear, once and for all, that **the pretext of the terrorist threat will not lead us to question this principle**, but, just as clearly as we say it will be respected, we mean that it will also be respected by those who benefit from it, so that it does not constitute an alibi or a screen.”²⁰⁹

Additionally, it is interesting to notice that the "Mitterrand Doctrine" not only created debate between France and Italy or between Italy itself. It created debate among France itself, the creator of the doctrine; not only a debate, but a proper division. Even though the doctrine posed itself as a path of pacification for successive governments and received strength and legitimacy each time a new extradition request was blocked, it has not always received support from the French government. On the contrary, in times of high diplomatic tension, it has ended up becoming a source of embarrassment and criticism from the French *hauts dirigeants*.²¹⁰ In fact, the doctrine was criticized also in France. Thus the new "Mitterrand doctrine" risked **isolating the French socialists**, **attacked** by the Gaullist and Giscardian opposition, but also **by the entire Italian left** (except for the radicals and the far left). In any case, not only was it a diplomatic incident between two neighbouring countries, but also a **delicate domestic policy issue**. There was only one difference: if, in France, it was the right wing that attacked Mitterrand and the socialists who rejected requests for extradition (a sign of a lax

²⁰⁷ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1930 INVA/5343 Direction de l'Europe (1981-1985), C.P. Italie, s.s. 13, d.3, fol. 961, 8 février 1985, Message pour l'Ambassadeur – texte original: “Je constate que la fermeté et la clarté de notre position sur le terrorisme telle qu'énoncée par le président de la république à Rennes le 1er février (mon télégramme no 5937) n'ont pas mis pour autant un terme au procès qui nous est intenté sur le sujet de manière plus ou moins insidieuse.

Pêle-mêle, je retrouve encore dans les messages que vous m'adressez ou les commentaires de presse, la critique de notre conception du droit d'asile, les insinuations sur notre laxisme judiciaire ou encore sur notre refus de coopération avec les pays limitrophes du notre. »

²⁰⁸ *Ibidem*.

²⁰⁹ *Ibidem*.

²¹⁰ Lanzoni, *op. cit.*, p. 207.

policy on terrorism), in Italy, it was the communists who criticised Craxi for exactly the same reasons.²¹¹

In this climate, the opposition, in the person of the Secretary of the *Rassemblement pour la République* (RPR), Jacques Toubon, denounced the "recklessness with which the right of asylum [was] applied and the almost total rejection of extradition requests" which "favour the establishment in France of terrorist networks".²¹² Toubon's affirmations sounded very similar to Craxi's.

3) Who benefitted from the doctrine and how?

a. Toni Negri.

It is interesting to see how the *political refugees* lived their lives under the protection of the Doctrine Mitterrand. Were they really free? Could they entertain a *normal* life, or were they limited in their action? How was it to be an extremist, or an *ex-extremist*, enjoying the right of asylum? How was it to be someone who had maybe helped planning the murder of some people, wanted by the family of the victim or by the Italian government, and still living at broad daylight?

While the Italian government was taking its measures in order to counter terrorism, more than a hundred refugees were enjoying the right of asylum in France. This topic remains today still very interesting because of how much debate it has aroused in Italy and France.

Many terrorists and people benefitted from the Mitterrand Doctrine but most of all there was an important number of people from *Autonomia* in exile in France in 1983. According to the ex leader of *Autonomia Operaia* Toni Negri, "they didn't stop to arrive"²¹³. The first ones appeared in 1979 and some others at the beginning of the 1980. After the consolidation of the Mitterrand Doctrine many even returned from Latin America and from Africa to get asylum in France. Most of them resided in Paris but also in the South, in Provence, in the regions of the Drôme and of the Cévennes. The Italian refugees started to build families, to have a "normal" life; they worked for surviving and arranged themselves to live

²¹¹ Gervasoni, *op. cit.*, p. 336.

²¹² *Ibidem*.

²¹³ Negri, Toni (2018) *Galera ed esilio. Storia di un comunista*, a cura di G. De Michele. Ponte alle Grazie Editore, p. 260.

decently. However, it was not that easy to acquire a dignified lifestyle; “Migrants life, much effort and little money”²¹⁴ Negri explains. Many were forced to steal in supermarkets, with the risk of being caught *sans papiers*²¹⁵.

Toni Negri was sentenced to twelve years of imprisonment for subversive association and for moral participation to the Argelato robbery²¹⁶. Thanks to the parliamentary immunity he received when he became member of the Radical Party in 1983, he was released from prison (Italy). He immediately expatriated to France and remained there in asylum for over a decade. His intellectual career and his culture made of him, with no doubts, the most famous person of the Italian colony in France.

During his asylum, Negri met and became close friend of several intellectuals and major personalities of the French cultural world; first and foremost with the famous psychotherapist activist and philosopher Félix Guattari. Félix became one of the closest person for him, so close that Negri used the name *Antoine Guattari* for the whole time of his exile, name which allowed him to rent a house and to pay the bills²¹⁷. He also met the philosopher François Châtelet, thanks to whom he received a role in the cultural French world²¹⁸. Negri would spend his weekend with Félix and they used to do long walks in the nature. He was accepted in the world of the intellectual relations of Paris and was feeling *parisien* but, for sure, his culture helped him.

Following this path, Negri became a member of the prestigious International College of Philosophy. He published books, participated to conferences, enjoyed the protection of French socialist intellectuals and taught in several universities, including the University Paris Diderot (Paris VII). Sometimes unknown people would run to him to compliment him for the evasion of prison.²¹⁹ He even went on to play in the cinema. His everyday life was fulfilled by all kind of events and emotions; by fear, by stress but also by happiness. He had a daughter while in Paris, Nina, which made him “the happiest man on earth”²²⁰. He felt in love with

²¹⁴ Negri, *op. cit.*, p. 260.

²¹⁵ *Ivi*, p. 261.

²¹⁶ On the 5 December 1974 a robbery was being committed at the bank of Argelato (Bologna), by a group of the extreme-left. The operation failed and the group escaped. It was rapidly arrested by two police officers. The extreme-left group killed one of the two police officers and wounded the other.

²¹⁷ Negri, *op. cit.*, p. 255.

²¹⁸ *Ivi*, p. 257.

²¹⁹ *Ivi*, p. 251.

²²⁰ *Ivi*, p. 265.

Suzanne, a woman he loved for fourteen years with whom he moved in rue Monsieur le Prince and in rue Madame in the sixth arrondissement of Paris²²¹. With *Suzanne* life was beautiful: they went dancing, out for dinner, to the cinema and to the theatre. The ex leader of Autonomia Operaia was living a happy life, somehow typical, frequently attending his favourite *cafés*, the Select²²², visited both by the tourists and some *habitués*.

According to Negri's experience and reconnecting to these events, living the exile seemed not strenuous at all. On the contrary; it seemed that the refugees had large liberty and led a rather normal life.

However, every experience was not the same. Not everyone had Negri's temperament and cultural background. Nevertheless, also Negri's existence revealed its toughness. In his book he widely talks about the deep bitterness and regret to have abandoned his family. Moreover, Paris gave him a sensation to be "home", for sure, but he missed Italy and everything got mixed up for him, considering that Italy he didn't feel it was his home anymore²²³. And even though there was solidarity between the communists in France, still they needed to repeat to each other: *stay hidden, don't call, don't receive...* Everyone had to learn new jobs: bricklayers, plumbers, painters of real estates, merchants, cooks and innkeepers. They also all dealt with one enemy above all: solitude. For Guido Bianchini, his exile was a real cross. He hated it and always wanted to go back home.²²⁴ All in all, as Negri said, "Fu veramente dura."²²⁵

Beautiful life or not, Negri will however serve ten years in prison, of which the last four in semi-freedom.²²⁶ But to explain how all of those who lived for a period of time in France lived as exiled, we would compose a novel. We can surely confirm that those who stayed had almost all made fortune. Some became estimated university professors, some others entrepreneurs of success; some others got compelled with *Médecins sans frontières* or with *Emergency*²²⁷ in countries where they fought wars and misery.

²²¹ *Ivi*, p. 277.

²²² *Ivi*, p. 290.

²²³ *Ivi*, p. 250.

²²⁴ *Ivi*, p. 262.

²²⁵ *Ivi*, p. 263. "It was really tough".

²²⁶ In 2003 he finished to serve his penalty.

²²⁷ Negri, *op. cit.*, p. 261.

b. Cesare Battisti.

One of the most interesting cases to analyze is, for sure, the one of Cesare Battisti. Battisti's case is interesting not only because his run lasted almost four decades, but also because it is still very contemporary, considering that Battisti's extradition occurred in this same year, on the 14th of January 2019, aged 64.

He was wanted in Italy for four murders: the two mentioned above, where he was the proper *esecutore materiale* –the material killer–, meaning the one of Antonio Santoro, on the 6th of June 1978, (Udine) and of the agent of the Public Security Andrea Campagna, in Milan, on 19th April 1979. The two others, the jeweller Pierluigi Torregiani (in Milan) and the butcher Lino Sabbadin (Mestre) were both killed by the PAC on the 16th February 1979, Battisti was guilty of instigating the murder, he was not the direct assassin, the perpetrator, but the mind of the murder accused to have given "copertura armata".

However, he managed to flee Italy in 1981, lived clandestinely in France for more or less a year. He quitted France to go to Mexico but came back in 1990 where he lived for more than ten years. How could we think that a man in this situation could live?

For what he did, Battisti had a *good* life. Or, at least, as Maurizio Campagna²²⁸ said during an interview: "I'm not saying [that Battisti had] a good life [...] but surely he's done a better life than my brother who's been forty years inside a coffin in the family chapel."²²⁹ In Paris, he was considered a respectable man. He worked as a doorman of a building and he frequented the community of Italian refugees –all benefitting from the so-called 'Mitterrand doctrine'-. He earned his living by translating into Italian French noir stories. However, these jobs were not his most important activity; Battisti became a real writer, a *romancier*, and published many novels. During those ten years he published books, both in French and Italian, like *Travestito da uomo* (1993) or *L'ombre rouge* (1995). Later he had two daughters, Valentina and Charlene Battisti, and he got married in Latin America, on the 29th June 2015, with Joice Lima, in San Paolo.

²²⁸ Maurizio Campagna is the brother of Andrea Campagna, the agent of the Public Security that Battisti killed in 1979.

²²⁹ (26th March 2019) "Cesare Battisti ammette quattro omicidi, il fratello di una vittima: "Vuole sconto di pena", *La Repubblica*..

Maurizio Campagna's interview, min. 01:24 → <https://www.youtube.com/watch?v=rj03DUyac-g>

Battisti was anything but seen as a terrorist in France. Rather the other way round; he was seen as a combatant, as someone who had fought for his ideas. When the second request for extradition arrived from Italy, a solidarity movement exploded from the left-wing French intellectual world. Among them there were Daniel Pennac, Fred Vargas and Bernard-Henri Lévy himself, who also wrote the preface of his book *Ma Cavale* (2006). Fred Vargas, the fully committed historian in the defence of Battisti's case, financially supported him, until he was arrested in Brazil. "Thanks to her copyright, the novelist was able to help the former terrorist in hiding, between 2004 and 2007,"²³⁰ states an article of *La Repubblica*. "In the last year, Vargas has paid all the legal costs, even the trips to Brazil of his family members. For love, for esteem, because "it is right to fight an injustice".²³¹ Her popular book entitled *La Vérité sur Cesare Battisti* (2004) was unpublished in Italy. According to her, "the extradition of Cesare Battisti would constitute a profound injustice to man, an affront to the honour of our country and its citizens, and a serious Historical error".²³² Even nowadays, she still believes that he is innocent, even today that Battisti has pleaded responsible for his acts.²³³

French intellectuals were joined by personalities from all over the world to support this "hero". From the international scene we can mention the Nobel Prize Gabriel García Márquez, who was counter Battisti's extradition, as also many representatives of Brazilian human rights and of Amnesty International. Also some Italian personalities proved solidarity with Battisti: the Carmilla Online website organized a collection of solidarity signatures for Cesare Battisti in 2004, counting more than 1 500 signatories from the political and cultural Italian world, including Valerio Evangelisti, Vauro Senesi, Giovanni Russo Spena, Luca Conti, Nanni Balestrini, Gianfranco Manfredi, Graziella Mascia, Gianni Biondillo, and also some representatives of the Catholic world including some Franciscan friars. Also Roberto Saviano signed the document but, in January 2009, he withdrew his signature. The writer Erri De Luca denied having signed for Battisti but invoked a political solution for all of those who escaped convicted of terrorism because of their activities during the *years of lead*. In addition to the support given by France

²³⁰ Ginori, Anais (2009) 'Battisti, la battaglia di Fred Vargas «Lotto contro un'ingiustizia»' *La Repubblica*.

²³¹ *Ibidem*.

²³² Vargas, Fred (2004) *La Vérité sur Cesare Battisti*, Viviane Hamy, p. 17.

²³³ Naulin, Michaël (March 2019) 'La romancière Fred Vargas reste persuadée de l'innocence de Cesare Battisti', *Le Figaro*.

to Battisti, he benefitted also for something that the associate philosophy professor Robert Redeker calls the “*complicité morale*”²³⁴, meaning moral complicity from the whole country. Why this support was so strong when in Italy he was just considered as an assassin, a petty killer? According to the journalist Guillaume Perrault, he was, for the French people "the bad conscience of his sympathizers, the mirror of their youth, the image of what they could have become"²³⁵. The register has changed. Robert Redeker today writes: "What a pity that it took the election in Brazil of a president whom the international press presents to us as abominable, in order to restore law and justice."²³⁶

c. Oreste Scalzone and others.

Another interesting case to analyze is the one of **Oreste Scalzone**, the founder of Potere Operaio and Autonomia Operaia. He lived in France, Paris, Rue Charles V, in the 4th arrondissement, condemned in Italy to thirty-six years of prison for planning armed attacks and plotting counter the government. He was living with his wife Lucia and his daughter Rosalinda. He was getting along with 350 thousand *lire* per month, meaning about 180euros, that the Italian State would pay him for his job as tenured teacher (until final judgment he could not be fired) and with other 400 thousand *lire* monthly, meaning around 206euros, which he gained thanks to the translations.²³⁷ Scalzone was interviewed in 1985 by the Italian journalist Guglielmo Sasinini, in Paris. The old leader of Potere Operaio explains during the interview that he did not disdain meetings with representatives of the Italian political system. "The new Beaubourg building", Scalzone explained, "is a few hundred metres from my house, and in this meeting place *par excellence* I happened to find myself face to face with Italian politicians. With De Michelis, as you know, I had a half-hour discussion that I found very interesting. Between October and November, during the Autumn Festival dedicated to Pasolini, I happened to meet, always by chance, and always at the Beabourg,

²³⁴ Redeker, Robert (4 février 2019), 'L'affaire Battisti et les intellectuels naufragés', *Le Figaro*.

²³⁵ Guillaume Perrault (March 2019), « Pourquoi l'affaire Cesare Battisti restera dans les annales » *Le Figaro*.

²³⁶ Redeker, *art. cit.*

²³⁷ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1930/INVA/5314 Direction d'Europe 1981-1985, Situation intérieure Terrorisme, s.s. 2, d.14, (5 février 1985) Bordereau d'Envoi – Article paru dans *Famiglia Cristiana* du 3 février 1985 – Guglielmo Sasinini « Parigi: Parlano i fuorusciti ».

Renato Nicolini, Franco Fortini, Rino Serri, president of Arci, and others. [...] To all of them I have pointed out my criticism of the false solutions to the prison problem, such as the communist bill that rewards dissociation, and I have made the propagandist of amnesty."²³⁸ All in all, it seems that Scalzone's life was not so different from Negri's.

Beaubourg, the freshly built work of art signed by Renzo Piano, Gianfranco Franchini and Richard George Rogers was a real meeting point for the refugees. These veterans of terrorism, in that same place, discussed politics and organized themselves in cooperatives. They were waiting for *the dream of amnesty* to come true. In their discussions, always characterized by their shared passion, meaning politics, they talked a lot about the Italian's *supercarceri*, the super-prisons. For Scalzone, these prisons had to be abolished. "First of all, we are not asking for an amnesty for ourselves, but for the thousands of people who are being held in the highest security prisons in Italy. The crux of the terrorism problem lies precisely in the prison"²³⁹, he argued. "I [...] wonder why our politicians persist in holding someone like Prospero Gallinari when, if he were released, he could not but most likely become a man of memories." Because, according to Scalzone, people like Gallinari, *ex brigatist*, mostly known for being part of the armed group that killed the escort of Moro in the Via Fani's ambush and then jailer of Moro during his sequestration in Via Montalcini 8, become real *symbols* in prison. "How many 18-year-olds in their name today can hold a machine gun and move on to armed struggle?" The journalist asked Scalzone what would happen if France decided to extradite them all. The refugee replied that, for the moment (meaning February 1985) the problem did not exist. "As long as Mitterrand resists, it should be calm. Of course, Italy would like to immediately take us back, but I don't think it has any solid arguments, not even from a legal point of view, to obtain our mass extradition."²⁴⁰

During his stay in France, Scalzone had assumed the role of official "mediator of the community", a kind of trade-unionist-factotum who fought for amnesty in favour of all political prisoners "without distinguishing", he said, "between the different positions. - The ideological differences between Autonomia Operaia, Comitati Comunisti or Prima Linea and the Red Brigades

²³⁸*Ibidem.*

²³⁹*Ibidem.*

²⁴⁰*Ibidem.*

must not affect the solidarity between political prisoners and refugees”, he explained.

Lanfranco Pace, one of the ex-top executives of Potere Operaio, took refuge in France after the trial of the “7 April”. He was sentenced for subversive association for having given hospitality to two former *brigatists* (Valerio Morucci and Adriana Faranda). Pace lived in France for fifteen years. He worked in Paris as an economic columnist at the daily *Libération* and is, today, a writer and journalist who continues to work in Rome. “Our generation”, Pace told during the same interview reported above, “had no space to assert itself, nor did it manage to produce a single writer, musician or artist.”²⁴¹ Regarding his position concerning his life in France he said: “I am not interested in having one hundred years of solitude in exile in front of me, I am interested in the quality of life. Of course, I would like to return to Italy, but I would also like to know what I can do today in my country.”

Giovanni Battista Miagostovich, 33 years old at the moment of the interview, former red *brigatista*, was sentenced to six years of prison. In Paris he was a nurse, and when in Beirut there were massacres in the Palestinian camps of Sabra and Chatila he asked his hospital to be sent to Lebanon as a volunteer. “Unfortunately,” he said during the interview, “they didn't give me permission. It may seem strange to hear that I am concerned about the suffering of others, but I think I know well the meaning of the word *suffering*.”²⁴²

Claudio Borgatti, from Bologna, requested by the Public Prosecutor at the “Cocori” trial (Revolutionary Communist Committees) and then acquitted for lack of evidence, preferred not to talk about his past. “We are not in an Indian reserve,” he says, “and we do not consider ourselves rare animals. The fact that there are refugees in France is already political in itself, it is Italy, if anything, that must tell us what to do with us. Here there are no “great old men”, nor people who think of reorganizing armed columns; our concerns are quite different: we have children to think about, wives, debts to close. One could say that we are trying to rebuild human relationships, to rebuild our lives. Of course we are privileged in comparison to those who are in prison in Italy or scattered throughout the world, but this does not mean that we are willing to accept situations of compromise, or a

²⁴¹*Ibidem*.

²⁴²*Ibidem*.

kindergarten in France that is likely to turn into a kind of undeclared amnesty, a typical Italian solution.”

In conclusion we can say that many benefitted from the Mitterrand Doctrine and that for many Italians this was shocking, to see criminals conducting an apparently “normal” or respectable life. Refugees under the Mitterrand Doctrine adapted themselves to do a bit of everything: bricklayers, painters, carpenters, sellers of encyclopaedias. They have opened restaurants, run Parisian brasseries, spaghetti shops, bookshops, "alternative" places where computer science and Marxism-Leninism topics were discussed.²⁴³ They did not miss the opportunity, when possible, to speak out loud and to speak their minds over the most boiling subjects. Even in exile, they never lost the fire that brought them to this exile.

²⁴³ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1930/INVA/5314 Direction d'Europe 1981-1985, Situation intérieure Terrorisme, s.s. 2, d.14, (5 février 1985) Bordereau d'Envoi – Article paru dans Famiglia Cristiana du 3 février 1985 – Guglielmo Sasinini « Parigi: Parlano i fuorusciti »

CHAPTER III

AN AMBIGUOUS DOCTRINE

SUMMARY: 1. Italy. – 2. France.

1) Italy

Even though the Doctrine seems well defined and simple there are still some blurred aspects deserving our attention. And neither of the two parts is saved; both Italy and France are guilty for hiding the insidious part of the Doctrine. We will start by examining the Italian part and then the French one.

a. Italy criticized France but acted the same (FLN).

As we said above, Italy criticized France, for the four main reasons we mentioned above, meaning, as Roland Dumas wrote on 8 February 1985, for “[the French] conception of the right of asylum, the insinuations about [the French] judicial laxity or [the French] refusal to cooperate with the countries bordering our country”²⁴⁴, and also for being the European sanctuary of terrorism with the *École Hypérion* that we will deepen in the second part of this chapter. Judge Joinet was accused of protecting the Red Brigades and leading a secret cell from the Elysée. The fact is that Italy, no more than two decades earlier, acted similarly when France was in a complicated position. It happened during the Algerian War. Italy was openly supporting the members of the nationalist political party FLN (*Front de Libération Nationale*). The FLN was created in October 1954 to obtain Algeria's independence from France. Italy, at that time, had been considered “un lieu de passage très fréquenté par les agents du FLN”²⁴⁵, meaning a point of passage highly frequented by FLN’s agents. According to France, Italy was then somehow accomplice with the FLN terrorists.²⁴⁶ For this reason some people say

²⁴⁴ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1930 INVA/5343 Direction de l'Europe (1981-1985), C.P. Italie, s.s. 13, d.3, fol. 961, 8 février 1985, Message pour l'Ambassadeur

²⁴⁵ Archives Nationales, 5 AG 1/399: note pour le Général de Gaulle, Paris, 15 juin 1959.

²⁴⁶ Mourlane, Stéphane (2005) *La guerre d'Algérie dans les relations franco-italiennes (1958-1962)* in: *Guerres mondiales et conflits contemporains* 2005/1 (n° 217), *Les permanences balkaniques au XXe siècle*, Presses Universitaires de France (PUF), pp. 77 to 90.

today that the Mitterrand Doctrine was, in fact, a revenge for how Italy behaved a few years earlier.

b. Italy doesn't send back the documents requested.

Mitterrand was very clear on that point. He said, stating his “doctrine”, that the “thirty Italians who are dangerous but [...] illegal”²⁴⁷, staying in France as refugees, “will only be extradited **if it is proven that they have committed blood crimes**. If the Italian judges send us **serious files** proving that **there has been a blood crime**, and if the French justice system gives a positive opinion, then we will accept extradition. [...] We are prepared to extradite or deport real criminals in the future on the basis of **serious files** [*dossiers*].”²⁴⁸

However, for a reason or for another, it seemed as if it was not possible for Italy to send some *dossiers sérieux* to France and it is complicated to guess why. On a French confidential document, it has been written on the 18 February 1982: “In 1981 alone, 73 requests for information were made by the Italian services. However, the **imprecision of most of these requests** made it difficult, **if not impossible**, to continue investigations on French territory. Moreover, it turned out that many of the people reported were staying or residing in other European countries, but most often in Spain.”²⁴⁹

France was receiving “incomplete information” from Italy. Concerning the case of the *École Hypérion*, it was again written by the *Comité Vanni Mulinaris*: “As this is an Italian case on which we have **incomplete and contradictory information**, any position taken could be considered as an interference on our part in the internal affairs of another country.”²⁵⁰ What remains is that these requests of extradition were not inserted within a normal juridical situation, but rather within “small arrangements and services given between ministers”.²⁵¹

²⁴⁷ See note n° 177, p. 48.

Compte-rendu du déjeuner de travail avec Bettino Craxi, président du Conseil italien, du 22 février 1985.

²⁴⁸ See note n° 177, p. 48.

²⁴⁹ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1930/INVA/5314 Direction d'Europe 1981-1985, Situation intérieure/terrorisme, s.s. 2, d.14, Jeudi 18 Février 1982, Extrémistes Italiens en France, page 3

²⁵⁰ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1930/INVA/5314 Direction d'Europe 1981-1985, Situation intérieure/terrorisme, s.s. 2, d.14, 18 Novembre 1982, Note pour le Cabinet du Ministre (à l'attention de M. Jean-Paul Dumont) A/S : Comité Vanni Mulinaris, page 2

²⁵¹ Vargas, *op. cit.*, p. 28.

We can think that this was maybe a French point of view, meaning that France used to accuse Italy's judicial system just to take advantage of the situation; nevertheless, the statement acquires more veracity when we discover that also Italy shared this truth. The Italian journalist Fabiano Franco wrote, on the 31 August 1982: "the documents sent to the French judiciary in support of extradition requests have often been judged (and often were) "defective" or "not very credible"."²⁵² The frequent deficiencies in Italian judicial records and these dysfunctions will continue until 1992. In a note from that year, the French Ministry of Justice pointed out: "Rome informs of their criminal situation [of the refugees] without it ever being exposed in a **global and clearly exploitable way** but on the other hand shows a relative **unwillingness to provide the additional information** requested".²⁵³ Of course this was stated by France so it might not be impartial, but the Italian unwillingness cannot be excluded. Italian judicial system was more than able to produce correct documents or to extradite a criminal if it truly wanted to do so. Probably, Italy had its own reasons. Was it maybe because the Christian Democracy, who was fearing for an expansion of the Italian Communist Party, tried to pulled it down. It recalled that the Red Brigades were, somehow, in a way or another, related to the PCI or, in any case, to the communists and socialists, and, in order to show how much those parties (PCI) were nefast for the society, they tried to slow down the whole process, probably helped by the US who had a very huge reason in order not to expand communism worldwide.

"Ces actuelles demandes d'extradition [...] ne s'inscrivent donc en aucun cas dans une situation juridique normale, mais dans le cadre connu des "petits arrangements et services rendus entre ministres."

²⁵² Fabiani, Franco (31 August 1982) 'Scalzone era latitante a Parigi con regolare visto di soggiorno', *L'Unità*.

Original text: "Del resto le documentazioni inviate alla magistratura francese in appoggio alle richieste di estradizione sono state spesso giudicate (e spesso lo erano) «difettose» o «scarsamente credibili»."

Retrievable on the website: https://archivio.unita.news/assets/main/1982/08/31/page_003.pdf.

²⁵³ Simonnot, Dominique (September 2002) "La paix des Italiens", *Libération*.

"[...] les carences fréquentes des dossiers de la justice italienne. [...] [L]e ministère français de la Justice souligne [...] : «Rome informe de leur situation pénale (des réfugiés, ndlr) sans que celle-ci soit jamais exposée de façon globale et clairement exploitable mais fait montre en revanche d'une relative mauvaise volonté à fournir les renseignements complémentaires sollicités.»

- c. Cesare Battisti and Toni Negri's ambiguity: they should have been extradited by they did not.

For what concerns the case of Battisti, we have known how much the case was discussed and the amplitude it took. Many wonder with what courage France did not extradite Battisti who committed four murders (two with hands and two others indirectly). However, few are those who contemplate from closer what can be the French reasons. Battisti was accused of these two murders by a repentant, by a terrorist, a *pentito*. This, for the French, was too small for a proof. Where there sources supporting these facts? “Nothing. Rather, nothing more than those of the time, the testimonies of the repentant, which have no legal value, which do not guarantee any “truth of facts.”²⁵⁴ Fred Vargas and the French intellectuals defending Battisti would say that those accusations were unreal, because they had only been reported by repentants, and it is comprehensible from that point of view.

In addition, some untruths have been said from Italy; rumours ran that, during the Torregiani's crime, Battisti himself had attempted to Alberto Torregiani making him paraplegic.²⁵⁵

For these reasons France was defending Battisti; the repentants voice was not enough for a proof to confirm that a person killed someone, and the fake accusation of a mutilation was outrageous. So, Italy –or part of it- lied. And it did not even took the pain to deepen the accusations of the murders or to deny those lies.²⁵⁶ Why would it act so? Why would a State do this? Certainly in order to convince people of his violence, but was that necessary?

The journalist Cesare Martinetti wrote that “the improper use of the doctrine was tacitly favoured by the Italian governments.”²⁵⁷ He recently reconfirmed: “It was convenient for everyone”²⁵⁸. Gilles Martinet, former French ambassador in Italy, told Cesare Martinetti that Craxi himself had asked

²⁵⁴ Vargas, *op. cit.*, p. 43.

²⁵⁵ The young fifteen-year-old Torregiani was in fact touched by a ball of his adoptive father, Pierluigi. The procurators of the time perfectly knew the truth but Italian newspapers made those statements.

²⁵⁶ Vargas, *op. cit.*, p. 215. “Le jeune garçon tragiquement blessé au cours du crime Torreggiani, et devenu paraplégique, est exhibé sans relache sur les chaînes de la télévision italienne comme une “victime de Battisti”. Les procureurs de l'époque savent pertinemment que le garçon fut atteint par une balle de son propre père adoptif, mais laissent sciemment courir le mensonge.”

²⁵⁷ Martinetti, Sergio (February 2010) “La dottrina Mitterrand e i terroristi italiani”, *Il Corriere della Sera*.

²⁵⁸ Martinetti, Cesare (21st June 2019) personal communication. “Conveniva a tutti.”

Mitterrand to keep Toni Negri to avoid “*conseguenti grattacapi*”, meaning the resulting worries²⁵⁹. The Negri affair, which broke out in September 1983, less than two months after the formation of the Craxi government, is a good illustration of the contradictions between diplomatic imperatives and domestic political reasons. Around Negri there will be a very peculiar movement which shows that, in diplomatic life, behind-the-scenes arrangements are no less important than facade clashes. Gilles Martinet, at that time ambassador in Rome, exactly reported in his memoirs what Bettino Craxi told him:

I am being pressured to request Negri's extradition [...]. However, I have no interest in his return. [...] [I]f he returns he will be harshly condemned and will appear to be a martyr. Can you tell Mitterrand that he was subtracted by the French police from the surveillance of the riflemen and disappeared for a while?²⁶⁰

Discovering this, we learn that Craxi was interested in the French to withhold Negri, so much as Prof. Lazar and M. Matard-Bonucci claim that we could even talk about a *Doctrine Craxi*²⁶¹. It goes without saying that Craxi was interested in annoying the PCI and the side of the DC who had taken a hard line against the Red Brigades. For some scholars Craxi was the hidden protector of Toni Negri.²⁶²

2) France

a. General misunderstanding of the Doctrine.

The Doctrine remains in a double ambiguity, because the blurred aspects of it come also from France, the country that launched the Doctrine itself. Some issues are far from being crystal clear. The misunderstandings of the doctrine from the French perspective concern first and foremost a very redundant case: the Cesare Battisti Case. If Mitterrand said that the refugees who had committed blood crimes would have been extradited to Italy, with the case of Battisti –accused of two crimes where he had been the material executor and two others where he had

²⁵⁹ *Ibidem*.

²⁶⁰ Martinet, Gilles (2004) *L'Observateur engagé*, Paris, J.-C. Lattès, p. 225.

“Or, je ne tiens nullement à son retour. Sa fuite l’a discrédité, mais s’il revient, il sera durement condamné et fera figure de martyr. Peux-tu dire à Mitterrand qu’il soit soustrait par la police française à la surveillance des carabiniers et disparaisse pour un moment?”

²⁶¹ Lazar and Matard-Bonucci, *op. cit.*, p. 357.

²⁶² Chiaberge, Riccardo (2010) ‘Smettiamola con i due pesi sulla legalità’, *Il Fatto Quotidiano*.

more than actively participated– it doesn't add up. Battisti, for Italy, was clearly a case among those to be treated with rigour and France should have extradited him since the beginning of the nineties. Battisti was defended so arduously by the most illustrious people of the left that it was also due to intellectuals, writers of the French left, that from 1991 and 2004 France denied extradition of this four-times-killer. The situation got so contorted that Fred Vargas wrote that Battisti could not be extradited if even France, on its side, didn't commit a crime against Justice and entered in illegality.²⁶³

This let us clearly see that France has some ambiguities regarding the doctrine, or at least that it didn't seem so clear as presupposed. Battisti had to be extradited, because he had committed blood crimes. Italy should have demonstrated this evidence in a very clear way. A subtle game between the two countries was being played.

With hindsight, this doctrine seems paradoxical²⁶⁴. Conceived as a political response that was to be used to protect extraditions and to solve, at a very particular moment, a problem of primary importance to internal security, it ended up **lasting thirty years**. If there is anything **surprising, it is this longevity**.²⁶⁵

b. The Real purpose of the doctrine - An affirmation for Mitterrand and for the socialists?

What was true was that, in fact, Mitterrand had a political reason for this doctrine. This is more a political doctrine than anything. The Mitterrand Doctrine was a way to answer a political problem in a political way, and not in a judicial way, without forcing the exiled to admit a guilt of any kind.²⁶⁶ It was a combination of two factors: the political one (the decision not to extradite and to grant asylum) and the legal one (giving a negative answer to extraditions).

François Mitterrand, once he became President of the Republic, applied very strong symbolic measures. One of them was the abolition of the death penalty, another one was the abolition of the State Security Court, and in the legal field the pardon of the members of the armed group Action Directe. The idea was

²⁶³ Vargas, *op. cit.*, p. 29. "Cesare Battisti [...] ne saurait être extradé sans que la France, à son tour, ne commette un crime contre la Justice et n'entre en illégitimité."

²⁶⁴ Lanzoni, *op. cit.*, p. 207.

²⁶⁵ *Ibidem*.

²⁶⁶ *Ibidem*.

that a sort of new era was beginning with him, that it was over with the reign of the hard, brutal, anti-popular Right. The Left was at work.

c. The *École Hypérion* and tension with France.

In 1979, a huge part of the Italian and French press had stated that the *École Hypérion* had served as a centre of exchange for the Red Brigades, a coverage of the Red Brigades in France. The école Hypérion was a “établissement d'enseignement des langues étrangères”, meaning a foreign language school, located in Paris, in the fifth arrondissement. In this French school had taught the first splitters of the Red Brigades²⁶⁷, meaning Duccio Berio, Corrado Simioni and Vanni Mulinaris. For some, it was an international centre of terrorism, hidden behind the label of a linguistic institute. Italy thought that it was the French base for Italian terrorists. “For some imaginative minds, this school has gradually become the “lair of the great old man”, the “brains of the Red Brigades” and finally the “centre of international terrorism” [...]”²⁶⁸. Hypérion “Ecole de langues, 27 quai de la Tournelle”, Paris, was ruled by a group of Italian, French, German and English intellectuals. The first inquiries, wanted by the judge of Padova Pietro Calogero, were drowned according to a “flee of news” which had brought the history in the newspapers.

Vanni Mulinaris, one of the big heads of the *école Hypérion*, was arrested on 2 February 1982 in Udine (Friuli province) accused of the most serious crimes.²⁶⁹ His arrest caused astonishment to all those who knew and valued him in France.

According to a committee created in order to support him, Mulinaris “[was] trying from the bottom of his prison to understand what happened to him; his sudden and spectacular arrest, his incommunicado detention, his keeping in high security prison, and finally the enormity of the charges brought against him.”²⁷⁰

Mulinaris was suspected also because he had a close relationship with Renato Curcio, even before he created the Red Brigades. In France, he joined

²⁶⁷ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1930/INVA/5314 Direction d'Europe 1981-1985, Situation intérieure Terrorisme, s.s. 2, d.14, fol. 1268, L' « Hypérion » école des langues et Brigades Rouges 1982 (10 nov. 1982) Hypérion “mis hors de cause” par un ancien cerveau de B.R.

²⁶⁸ *Ibidem*.

²⁶⁹ In particular arms trafficking with the Middle East and formation of terrorists.

²⁷⁰ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1930/INVA/5314 Direction d'Europe 1981-1985, Situation intérieure Terrorisme, s.s. 2, d.14, fol. 1268, Dossier Vanni Mulinaris – Appel du comité Vanni Mulinaris.

personalities engaged in the community research within the Hypérion language school. The call of the committee ends up this way: “Our call is simple: we need your help, your action to help free this innocent man who must be able to count on all free men.” Interest to notice how part of the French would qualify him as *innocent* while for Italy Mulinaris was only a criminal, a serious threat.

Another important personality to mention here Antonio Savasta. He was a *brigatist* who had organized the sequestration of the NATO general James Dozier. After his arrest, Savasta became the more loquacious of the repentant. He was the first to tell the story of the Hypérion, saying that this structure had coordinated for years the activity of the Europeans armed formations and supervised the relations with more extremists Palestinian groups.²⁷¹ From the beginning, Savasta had talked about the frequent trips to Paris of Mario Moretti.²⁷² Savasta was talking about apartments made available for the fugitives sheltered in France, about relations with branches of the PLO, the Palestine Liberation Organization. All of this to say that Savasta had no doubt: the Parisian institute was a Red Brigades’ centre. Savasta also remembered that when Moretti came to Paris, he would frequently talk to those of the Hypérion. He talked about reunions to which took part not only the members of the Red Brigades, but also representatives of Palestinians groups, of the ETA, of the Ira and of the Grapo, the Spanish First of October Anti-Fascist Resistance Groups. He came to the point to say that during one of the Parisian summits, the other European groups accused the Red Brigades of having too much "regionalized" their activity, neglecting the international aspect of the armed struggle. For this reason the kidnapping of General Dozier was realized; it was projected in response to this logic. In order to realize this capture, the project to assassinate an attaché at the Israeli embassy in Rome was abandoned.

However, on Tuesday 31 May 1983, the Hypérion language school was in serious financial difficulties: it filed for bankruptcy. It was unable to cover the school's operating costs. Therefore it to filed for bankruptcy and its activities will

²⁷¹ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1930/INVA/5314 Direction d'Europe 1981-1985, Situation intérieure Terrorisme, s.s. 2, d.14, fol. 1268, L' « Hypérion » école des langues et Brigades Rouges 1982, Hypérion, o cara (29 Agosto 1982).

²⁷² One of the chief of the Red Brigades, the one who had organized the kidnapping of Moro and who interviewed him during his imprisonment.

be taken over by an establishment called "Kiron"²⁷³. Created in fact on 19th March 1980, just a few months after the first press revelations, this "Kiron" company had its headquarters at 56, rue du Faubourg Poissonnière in Paris (10th). Its purpose, both in France and abroad, was "the organisation, promotion and marketing of training courses of all kinds, in particular artistic, cultural, professional, sporting, educational and craft activities, as well as the products resulting from these or related activities, and the organisation of theatrical tours of dramatic art". The main shareholders would be Giovanni Mulinaris and Corrado Simioni who were at the origin of the creation of the Hypérior school.

It is interesting to notice that *Hyperion* was, in Greek mythology, the coachman of Apollon, the God of light, while *Kiron* was the centaur who saved Pelee from the plot of the courtiers of Achate²⁷⁴. It is conceivable that, in the minds of Mr Simioni and Mr Mulinaris, the sign "Kiron" represented a "lucky name" likely to save them from the "plot" of the transalpine press of which they consider themselves victims²⁷⁵.

Although in-depth investigations have never been able to provide any formal evidence of any collusion of this Institute with active brigadists, the transalpine mass media have never released their pressure on "Hyperion" by publishing more or less fanciful articles on his account. The French police, after many investigations conducted since 1979, have categorically and repeatedly denied the Italian accusation on Hypérior.²⁷⁶

It is interesting to remember here the dispute between Pertini and Giscard d'Estaing when the Italian President of the Republic Pertini said in an interview published by France-soir on January 1st 1981, that he was convinced that the bases of Italian terrorists were abroad, adding: "Careful, don't make me say that these bases are in France. No one at the moment has the proof...these are problems that we will have to address with President Giscard d'Estaing when he will come to

²⁷³ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1930/INVA/5314 Direction d'Europe 1981-1985, Situation intérieure Terrorisme, s.s. 2, d.14, fol. 1268, (31 May 1983) « Hypérior » disparaît mais ses activités sont reprises par « Kiron ».

²⁷⁴ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, 1930/INVA/5314 Direction d'Europe 1981-1985, Situation intérieure Terrorisme, s.s. 2, d.14, fol. 1268, (31 May 1983) « Hypérior » disparaît mais ses activités sont reprises par « Kiron ».

²⁷⁵ *Ibidem*.

²⁷⁶ *Ibidem*.

Rome during this month of January”.²⁷⁷ Puaux commented: “M. Pertini [...] likes to think that Italian terrorism is controlled from abroad. [...] In reality, the taste for secret societies and assassination as a form of political action, from the Machiavellian era to the Carbonari of the Risorgimento and the Squadrism of the Twenties, can be found in all the troubled periods of Italian history and appears as a constant of the national temperament [...]”²⁷⁸

d. Paolo Persichetti.

Last but not least, what remains vague and confused is the extradition criteria. Of course, Mitterrand was very clear on that point, but in the above-mentioned paragraph we have discovered that people who deserved –according to Mitterrand’s criteria– extradition didn’t receive it. We have found that also people who did not deserve extradition, following Mitterrand’s criteria and logic through time, had it. We are talking about a very specific case, the one of Paolo Persichetti²⁷⁹.

Persichetti was an Italian refugee, ex *brigatist*, who used to live *au grand jour* in Paris, being a university researcher. Despite the media coverage of the French asylum issue, no extradition was granted for activists who had chosen to abandon the armed struggle, until 2002, when Paolo Persichetti was handed over the Italian authorities in the Mont Blanc Tunnel.²⁸⁰

Persichetti had been the only one of the refugee exiled in France for whom the Prime Minister Balladur had countersigned an extradition decree in 1994. President Mitterrand, probably with the aim of repairing this error, publicly called for Persichetti's release on 17 January 1995, although he had been in prison since November 1993; released on 25 January 1995, his extradition procedure had not been cancelled. It is for this reason that, under pressure from Italy where investigations were under way against the New Red Brigades who murdered Professor Marco Biagi on 19 March 2002 in Bologna, this extradition was carried

²⁷⁷ Ministère de l'Europe et des Affaires étrangères, Centre des Archives diplomatiques de La Courneuve, **1930/INVA/5343 Direction de l'Europe (1981-1985)**, C.P. Italie, s.s. 13, d.3, 8 Janvier 1981, Visite de Monsieur le Président de la République. Entretien avec le Président Pertini.

²⁷⁸ *Ibidem*.

²⁷⁹ Persichetti was sentenced to 22 years of prison for moral complicity in the murder of the air force general Licio Giorgieri. He had been in semi-freedom since 2008 and was finally released in 2014.

²⁸⁰ Persichetti, Paolo (2005) *Esilio e castigo. Retrospectiva di un'estradizione*, La Città del Sole, p. 30.

out. With this decision, the "word given" (la « *parole donnée* ») was definitively buried.²⁸¹ Persichetti called this move “a trick of prestige, an illusionistic effect, a *trompe l’oeil*”²⁸² aimed to “raise the fate of the institutions”.²⁸³ A true *scapegoat* was needed around which to celebrate the triumph of the institutions.²⁸⁴ For him, the way he was giving back to the Italian authorities in the Mont Blanc Tunnel was simply “a metaphor of an underground agreement, signed without any transparency, in the dark rooms of power and therefore concluded in the belly of the earth, far from sunlight, far from the light of day, after a crazy race into the night. It was necessary to do it soon, as soon as possible, before France could wake up.”²⁸⁵

²⁸¹ Lanzoni, *op. cit.*, p. 214.

²⁸² Persichetti, *op. cit.*, p. 29.

²⁸³ *Ibidem*.

²⁸⁴ *Ibidem*.

²⁸⁵ *Ivi*, p. 30.

CONCLUSION

In conclusion, we can say that terrorism had existed in the '70s and '80s, both in Italy and France, even though in France it had been less violent and real than in Italy. In France the violent acts were "minimal" compared to the Italian or German experience. Many authors claim that before 1985 in France there was peace. Before 1985, François Furet qualified the French experience as *virtual terrorism*.²⁸⁶ In this sense, France had a privilege in comparison with Italy where the Red Brigades, made 84 assassinations only by the end of the '70s. In France, Action Directe perpetrated around 12 deaths and some 26 people wounded, meaning that the Red Brigades made seven times more victims than Action Directe. Terrorism that lived France was difficultly comparable, on a violence and expansion scale, to the Italian one.

Italy was trying hard in dissolving those extra parliamentary groups. It created several new laws, the "leggi speciali" which were deeply contested by France –and not only-. On 6th of February 1980, the Cossiga law was enforced; it was a package of "special laws" in order to counter terrorism, introducing some incentives for repentance, with penalty discounts for those who collaborated with Justice. Two years later, the "Repentants" law was established, a law which gave "discounts" for those who would confess their crimes. Meanwhile, the Italian ex-terrorists were trying to flee Italy, taking refuge in the neighbouring countries. France was the preferred destination.

All of this happened because once François Mitterrand got to power, in 1981, defeating Giscard d'Estaing, he decided not to extradite the Italian refugees, precisely those who didn't commit blood crimes in Italy. The ministry of Justice Robert Badinter announced in the Senate the need to review the "access to asylum" on the 15th October 1982. He set new criteria for the extradition:

- States respecting rights and freedom and
- for crimes so serious that the political purpose invoked could not justify the use of unacceptable means in a democracy,

could have obtained extradition.²⁸⁷ This *Doctrine Badinter* made a distinction between *ends* and *means*²⁸⁸ concerning extradition: if the *mean* used

²⁸⁶ Furet; Liniers and Raynaud, *op. cit.*, p. 32.

²⁸⁷ Cassia, Paul (2009) *Robert Badinter, un juriste en politique*, Fayard, p. 125.

²⁸⁸ Lanzoni, *op. cit.*, p. 209.

was violence against persons, the entitled person would lose its political qualification and extradition became possible.²⁸⁹ The statement of Badinter would simply specify that from that moment on, the *political motive* would not excuse everything but that the *mobile* would count. This is what was later called the Mitterrand Doctrine. Mitterrand publicly formulated it in 1985 but, in real, the idea was implemented before his election.

The Doctrine Mitterrand was proclaimed in 1985 at the Palais des Sports in Rennes and later also at the joint press conference with Craxi. The Doctrine has a very particular nature; it is neither a legal act nor a bounding treaty. It is a *modus vivendi*, a way of life, an instruction to the State apparatus from judges to police officers. The Italian reactions to this *modus vivendi* were unsurprisingly not extremely positive. Italy started to ask for more extraditions but they were almost never conceded. When Bettino Craxi got to power in 1983, he was considered the *Mitterrand italien*. Even with the complicity he had with the French President extraditions were not conceded and Italy continued criticizing the French right of asylum and its judicial laxism. A real breach occurred between the two countries. The refugees, on their sight, were more than enthusiastic about the doctrine and believed that none of them had to be repatriated.

For what concerns the reactions of France itself, towards the *Doctrine Mitterrand*, we can unexpectedly see that not the whole country agreed with it. Not only France had to deal with the constant critics of the Italian press, and the general embarrassment that Italy made it feel, but also with the French critics, within France itself. The Secretary of the *Rassemblement pour la République* (RPR), denounced the recklessness with which the right of asylum was applied by France and also the almost total rejection of extradition requests which, according to him, favoured the establishment in France of terrorist networks. This way, the new *Doctrine Mitterrand* risked to isolate the French socialists, attacked by the Gaullist and the Giscardian opposition, and also by the entire Italian left (except for the radicals and the far left).

Nevertheless, Mitterrand kept his *parole donnée*, and his country continued to protect the extradited people, as promised. Many, more than 300 were those who thus benefitted from the doctrine, starting with Toni Negri, then Battisti, Scalzone, Pace and many others. These political refugees were living

²⁸⁹ *Ibidem*.

“normal” lives; they would hang out and often meet in *Beaubourg*, the freshly built structure which became their favourite place to chat, to see each other, to gather or to simply take a rest after their working days. During their stay in France, the refugees were working as teachers, translators or merchants. They married, had a family and children and became dear to the French socialist intellectuals. They used also to deal with the sentiment of the exile: sometimes they needed to hide, to pay attention and to be silent in order not to arouse too much noise.

How it is, this doctrine introduced many ambiguities. A deep analysis is not needed in order to perceive its multiple ambiguities or unclearness. First of all, can Italy pretend for all its terrorists to be sent back when, at the time of the Algerian war, it did everything but help France, supporting the passage of the FLN members? French people were asking for those members, but Italy was refusing, just like France did afterwards. For this reason, many believe that the *Doctrine Mitterrand* started as a revenge. Secondly, how could Italy except extraditions without even sending proper, finished and complete documents for the requests? If it was really interested in having back its terrorists, was it that so difficult to send “serious” documents, as Mitterrand asked for? Thirdly, let’s not underestimate Craxi’s statements referred to Ambassador Martinet, asking him to tell Mitterrand to keep Toni Negri in France. Doesn’t this sound extremely awkward or ambiguous? If Italy seemed, before, on the “right side”, meaning that it only wanted to punish some people who killed innocent lives and who tried to violently subvert or confuse the government, it runs very fast to the “wrong side” acting this way.

France itself, the generator of the *Doctrine Mitterrand*, implemented the doctrine with ambiguities and greyish colours. Concerning the Battisti Case, it was very clear that France should have extradited him since the beginning of the Nineties. However, Battisti arrived in the Italian territory only in January 2019. Until 2004, France had denied the extradition of this four-times-killer, even though Mitterrand had very brightly announced that those who had committed blood crimes had to be extradite. Fred Vargas even wrote that Battisti could not be extradited if even France, on its side, didn’t commit a crime against Justice and entered in illegality. Sure, Italy should have prove it more clearly, but even today that Battisti had admitted his crimes some French intellectuals still believe he was

obliged to say so by his lawyers, in order to get a slightly lighter pain. A subtle game between the two countries was being played. Furthermore, the doctrine was implemented to solve a specific problem at a specific time; it ended up lasting thirty years. This longevity is more than surprising.

Was that maybe, the true purpose of the doctrine was not the one of simply protecting the refugees and claiming the defence of human rights? Mitterrand had a political reason for this doctrine. This is more a political doctrine than a legal one. When Mitterrand became President, he applied strong symbolic measures among which the abolition of the death penalty. This doctrine entered in particular harmony with the plan of implementing a sort of new era putting an end to the reign of the brutal anti-popular Right. This means that the paradox of this doctrine is not only the fact that the doctrine doesn't lead to any legal formulation or any legal constraint; everything was in the given word, *la parole donnée*. It seems to happen that all the doctrine was kind of a misunderstanding.

In addition, the position of the *École Hypérion* was not clear. Created in 1979 Italy basically thought of it as a centre of exchange for the Red Brigades. This foreign language school, located in Paris, for Savasta this structure had coordinated for years the activity of the Europeans armed formations and supervised the relations with the extremists Palestinian groups. France denied everything.

Last but not least, what remains vague and confused is the extradition criteria. We have found that people who deserved extradition were not extradited and people who did not deserve extradition (according to Doctrine Mitterrand's criteria) were extradited, particularly talking about Paolo Persichetti.

Thus, we can say that the Mitterrand doctrine was a diplomatic incident between two neighbouring countries, but also a delicate domestic political problem. Many of the individuals who took refuge in France decided to negotiate reduced sentences and, subsequently, regained their freedom. For Lazar and for the associations of victims', this was not the best way to end the *years of lead*. Some of the refugees are still in France, as Marina Petrella. However, this not impede France to consider it as a good doctrine. Robert Badinter -although he was not a defender of the "Mitterrand Doctrine"- in response to a journalist, stated: "I see no reason to reconsider [the Mitterrand Doctrine], twenty years later -a

commitment taken by the French State in relation a historical context and to positions which have not changed today”²⁹⁰.

Looking at it closely, it is indeed a policy that has achieved its objectives²⁹¹, which is summed up well in this statement by Mr Jean-Pierre Mignard: "Not that France has forgiven the refugees instead of Italy, nor that it underestimated the seriousness of the events committed in Italy, but it organised the surrender of the illegal immigrants."²⁹² It is maybe not possible to find a point of convergence for what concerns the Mitterrand Doctrine.

²⁹⁰ (5 March 2004) ‘E’ una decisione giusta. Lo stato deve mantenere la parola data’, *Corriere della Sera*, p. 21.

²⁹¹ Lanzoni, *op. cit.*, pp. 217-18.

²⁹² Simonnot, Dominique (2004) « Paris a joué un rôle apaisant pour toutes les parties », *Libération*.

SUMMARY

CHAPTER I

THE DEVELOPMENT OF THE DOCTRINE

1) A Violent Context.

The '70s and '80s for France and Italy was a tormented decade characterized by twists and violence. France had seen the rising of the terrorist group *Action Directe*, fostering armed violence and the reverse of the system. *Action Directe* was acting alone in France but looking for support outside. It had bondage with the Red Army Fraction in Germany, the CCC in Belgium and the Red Brigades in Italy. Among its most famous killings we can mention the one of Gabriel Chahine (1982), the police informant on Action Directe activities. Two months they murdered the policemen Gondry and Caïola, emphasizing their desire to attack the heart of the State. Their most famous prey was under no doubts the General Audran (1985), the Director of International Affairs at the Ministry of Defence. These were the famous ones, but the general ambience in France was not terrorizing. This was a terrorism that François Furet called *virtual terrorism*. He even claims that before the execution of the General Audran France was not touched by terrorism. For many scholars before 1985 in France there was **peace**. The French acts were “minimal” compared to those of other countries of the time (Germany, for example). Antoine Liniers goes until asking himself: “Why there was no terrorism in France in the '70s while there was in Italy and Germany?”²⁹³ All in all, terrorism in France was a marginal experience until the physical integrity of Audran was threatened. The reason why terrorism was not so diffused is because terrorism remained an ideal. The French left had not recently lived a period of violence. As Perrault writes, “it is easy to mystify what you have not experienced²⁹⁴”. French intellectuals were in search of a revolution: Cuba has been fashionable, Maoist China too, even Cesare Battisti. Fascination for violence remained vivid probably because there violence was lacking. In Italy, terrorism of

²⁹³ Furet; Liniers and Raynaud, *op. cit.*, p. 137.

²⁹⁴ Perrault, Guillaume (2005) *Génération Battisti : Ils ne voulaient pas savoir*, Broché (Préface de Gilles Martinet).

national origin has experienced a surge that is hard to imagine in France. Maybe also for this reason France defended Battisti so energetically.

In Italy, it was different. Italy was characterized both by right terrorism and left terrorism with kidnappings and targeted assassinations. Left-wing terrorism began to seriously disturb only in the second half of the '70s. Renato Curcio and *Mara Cagol* together with Alberto Franceschini created the *Red Brigades* in the early 1970s, an organization following the one and only principle of armed struggle, shared also by Action Directe, under Mao's writings. The Red Brigades was the life-longest terrorist organization with fourteen years of activity, signing six hundred and forty-five events diffused in forty Italian provinces²⁹⁵. Action Directe, for its part, resisted less than ten years. The Red Brigades was only one of the violent extra-parliamentary cells; Italy had a majority of left-wing extra-parliamentary groups, starting by "La Classe", "Lotta Continua", -both wanting to subvert the system and openly opposed to the PCI-, "Potere Operaio" or also the "Proletari Armati per il Comunismo" (PAC). Terrorism started to be taken seriously with the kidnapping of the Judge Mario Sossi, in Genoa (April 1974). It was clear that the group wanted to attack the State. Two years later (June 1976) an armed group killed Francesco Coco, Genoa's Attorney General. The climax was reached with the capture and then assassination of Moro, president of the Christian Democracy (DC) and former Prime Minister. Moro was held hostage for fifty-five days and during these months Moro was not the only hostage, but whole Italy was.

Italy was trying not to stand still and look; it rather was trying to actively respond to the daily threats, killings and attacks of these groups. Two elements were introduced by the State in 1978: an institutional reform and new legal measures. Two security agencies were created, the SISMI and the SISDE, the first one led by the Ministry of Defense and the second one being part of the Ministry of the Interior. On February 1980 the Cossiga law was enforced in order to enact urgency measures and two years later, one of the most efficient instruments was implemented, the "Repentants" law. These measures were taken not without any reaction from France which largely criticized those measures, calling them unfair, unjust and contrary to human rights.

²⁹⁵ Della Porta, (1990) *op. cit.*, p. 92.

2) Socialism back to power.

In France, when Giscard d'Estaing was in office (1974-1981) relations with Italy were not bad concerning terrorism. The French President was trying to collaborate: he extradited Mario Tuti in 1975 and, in 1981, also the leader of Prima Linea Marco Donat-Cattin. Two leaders of Autonomia Operaia, Franco Piperno and Lanfranco Pace, were also handed over the Italian authorities in 1979. These extraditions definitely showed Giscard d'Estaing's intent to support Italy. Things changed when Mitterrand became President. He firstly dealt with two non-socialists Italian Prime ministers, Spadolini and Fanfani, years during which the French ministry of Justice Robert Badinter announced the need to review access to asylum (October 1982). New criteria were set for the extradition meaning: States respecting rights and freedom and for crimes so serious that the political purpose invoked could not justify the use of unacceptable means in a democracy, could have obtained extradition. This announcement became a doctrine and it was introducing something new and crucial: the distinction between *ends* and *means*. If the *mean* used was violence against persons, the entitled person would lose its political qualification and extradition became possible. The *Doctrine Badinter* was preparatory for the *Doctrine Mitterrand*. This renewal of the extradition criteria had given hope to the Italian authorities for a better consideration of their requests. This number of requests has quickly increased: from twenty-four requests formulated in 1981 it increased to one hundred and eighteen requests in 1982.

Italy was living a whole different situation. At the time of the *Doctrine Badinter*, meaning October 1982, Spadolini was Prime Minister (June 1981 – December 1982). Bettino Craxi, leader of the Socialist Party, won the elections in 1983 interrupting more than thirty decades of ruling from the right. On the 4th of August 1983 Italy saw its first socialist government in the whole history of the Italian Republic and, for the first time, France and Italy had both a head of state - Mitterrand and Pertini- and a prime minister -Mauroy and Craxi- from their socialist parties. The arrival of a socialist in power in Rome was seen at the *Élysée* also as an opportunity to strengthen the solidarity of the European left in the face of the rise of ultra-liberalism that was occurring with M. Thatcher. Craxi and Mitterrand admired each other: Mitterrand carried the hope of a non-communist

left, meaning exactly what was expected from Craxi: to be the *Mitterrand italien*, the renovator and moderniser of a socialism that suffered from the hegemony of the PCI. A period of better relations started between France and Italy not without any friction or misunderstanding. However, the French non-consideration of the extradition requests and the continuation of attacks from the extreme left groups became bitter. In September 1983 Negri escaped to Paris. He had been first arrested on 7 April 1979 in Milan and then he stayed in prison in Italy. He managed to escape, direction: France. France hosted and received Negri in the country; Italy started to ask for explanation. *Le Figaro* denounced the behaviour of Pierre Mauroy and Robert Badinter, their "reckless" (« *inconsidérée* ») conduct threatening not only to endanger the relations with Italy but also France's security. Despite this friction, the period during which Craxi was Prime Minister (1983-87) was one of the most fruitful in Franco-Italian relations, particularly considering that the Franco-Italian cooperation was making decisive progress also in the European field. Mitterrand truly wished to avoid placing Craxi in difficulty on such a delicate issue as the management of the consequences of terrorism. Also because, in the end, never, in any case, Mitterrand will find such a close relationship with Craxi's successors.²⁹⁶

CHAPTER II THE DOCTRINE IN PRACTICE

1) The proclamation of the doctrine.

After the assassination of René Audran the police services strengthened their surveillance on Italian exiles, fearing that the last pieces of the armed party would establish an operational link with the French small groups. Moreover, a disruptive element occurred: the minister of Labour De Michelis shook hand in Paris with the founder of *Potere Operaio* Oreste Scalzone. The Republic publicly condemned the Socialist Minister's behaviour and sent a formal letter to the President of the Council asking him for explanations. President Mitterrand who knew about the complicated relation between Craxi and Pertini, decided to break the silence. He gave a speech at the Palais des Sports in Rennes, on 1 February

²⁹⁶ Institut François Mitterrand, *témoignage de Bettino Craxi – Lettre d'adieu*, (10 décembre 2004).

1985 saying that in France the right of asylum “will always be and has always been respected” and for this reason he refused to “*a priori* consider as active and dangerous terrorists men who came, particularly from Italy, long before I exercised my responsibilities, and who had just gathered here and there in the Parisian suburbs, repented... halfway, completely” as terrorists and so to extradite them to Italy. This is considered the origin of the doctrine Mitterrand, even though a preannouncement of this doctrine was already made with the *Doctrine Badinter*, as stated before. In a way or another, Mitterrand had only repeated several times what Badinter previously said. What remains is that the so-called "Mitterrand Doctrine" was established in 1981, as soon as François Mitterrand was elected President of the Republic. The general features of the "doctrine" were formulated before his election and Louis Joinet, magistrate and adviser for justice and human rights within the office of the Prime Minister Pierre Mauroy was in charge of formulating the principles. Simply, the Mitterrand Doctrine stated that the Italians who fled Italy because of their implications in the struggle of the extra parliamentary red groups will not be extradited, but under three conditions: not to remain in hiding, not to contribute to the armed struggle in France and not to be charged with blood crimes in Italy. In 1985, after his meeting with Bettino Craxi, Mitterrand simply defined the doctrine publicly. So, the truth is that the "doctrine" had been in place for several years and, in 1985, François Mitterrand only openly expressed what the media today call "doctrine". Before 1985, the "refugees" already lived their lives in France, integrating themselves into French society way before these four statements.

2) Meaning, purpose and reactions to the Doctrine.

It happens to be not easy to precisely define what exactly *is* the Mitterrand Doctrine, what is his meaning and its purpose. It must be clear that the Doctrine is not a law. It does not want to add something to the legal system. It is not a public act nor it lays down any type of rules. In fact, the doctrine is only an affirmation, a tacit agreement, a practice, a *modus vivendi*, a way of life. It is an attitude, a policy of attention by the French government towards the Italian population. The Doctrine Mitterrand a "given word", *une parole donnée*. In this sense it is different from the Doctrine Badinter; still, even though vague, the

Mitterrand Doctrine is a clarification of the realization of the administrative phase of the extradition. Hence, the "Mitterrand doctrine" is an instruction to the State apparatus from judges to police officers. Rather than freeing itself from the refugees problem by granting a huge *en masse* extradition requested by Italy, the French decided to find a *voie à la pacification*. Mitterrand called on human rights experts, judges, lawyers, advisers ministerial and special service men, to define a strategy to meet the challenge to find a path to pacification, ensuring a definitive exit from violence possibly without resorting to police measures. Thus, he made this decision for three main reasons: to protect France from armed violence, to respond to Italy's refugees problem in a political and not repressive way and finally to create an *in vivo laboratory* for a solution that would enable Italy to emerge from its "years of lead."²⁹⁷

Being a political decision, the reactions to this doctrine could not of course remain apathetic. For Craxi, the Doctrine was a satisfaction because Mitterrand had shown his solidarity with Italian democracy against terrorism. It seemed almost a secret agreement between the Italian President of the Council and the French President. However, this didn't impeach Craxi to openly criticize France in Parliament claiming that Paris was in danger and was becoming one of the European centres of terrorism (February 1985), preventing the work of the Italian judiciary by rejecting "completely justified, legitimate requests". For Spadolini at that time Minister of Defence and secretary of the Italian Republican Party (PRI), the *Doctrine Mitterrand* was an offense. France was not considering Italy as a democratic state. The fact that Italy was sending the extradition requests and that France did not extradite anyone started to be embarrassing. In fact, "the French socialists' judgment on Italy (notably that of Claude Estier, François Mitterrand's right-hand man) was very pessimistic: [Italy was] a fragile state, dominated by a party, the Christian Democracy (DC), not really democratic; a country with a corrupt judiciary, where the risk of a *coup d'état* was permanent."²⁹⁸ Sometimes the French people even went to call Italy a "semi-democracy", claiming that Italy was a country where respect for individual guarantees was precarious. Reactions to the doctrine came also by France and they were, again, diverse and mitigated. Italy was annoying France. Not only because it was tired of being called "laxist",

²⁹⁷ Simmonot, Dominique (2004) « Paris a joué un rôle apaisant pour toutes les parties », *Libération*.

²⁹⁸ Gervasoni, *op. cit.*, p. 323.

but also because Italy accused France of being the base of terrorism. So France attacked back. But the doctrine was criticized also in France. Not only was it a diplomatic incident between two neighbouring countries, but also a delicate domestic policy issue. The Secretary of the *Rassemblement pour la République* (RPR), Jacques Toubon, denounced the "recklessness with which the right of asylum [was] applied and the almost total rejection of extradition requests" which, according to him, simply favoured the establishment in France of terrorist networks.

3) Who benefitted from the doctrine and how?

How the *political refugees* lived their lives under the protection of the Doctrine Mitterrand? While the Italian government was taking its measures in order to counter terrorism, more than a hundred refugees were enjoying the right of asylum in France. Most of them resided in Paris but also in the South, in Provence. Toni Negri, sentenced to twelve years of imprisonment for subversive association and for moral participation to the Argelato robbery, remained in asylum in France for over a decade. He was under no doubts the most famous person of the Italian colony in France. During his asylum Negri became close friend with several intellectuals and major personalities of the French cultural world, especially Guattari and Châtelet, thanks to whom he received a role in the cultural French world. Negri became a member of the International College of Philosophy, published books, participated to conferences, and enjoyed the protection of the French socialist intellectuals. He taught in several Parisian universities and even went on to play in the cinema. His life was fulfilled by fear, stress but also by happiness. He had a daughter, Nina, and felt in love more than once, enjoying several couple lives. He was living a "typical" life with his habits and difficulties. Nevertheless, Negri's existence revealed its toughness. He talked about the deep bitterness he felt and the regret to have abandoned his family. Paris gave him a sensation to be "home" but he missed Italy even though he didn't consider it home anymore. The refugees in France needed to repeat each other: *stay hidden, don't call, don't receive...* and they needed to face their daily powerful enemy: solitude. All in all, even considering all what was said before, for Negri, exile was really tough.

Battisti's experience was not so different. He was wanted in Italy for four murders and lived clandestinely in France for years. Battisti had a *good* life, concerning the burden he had on his shoulders. As the brother of one of his victims said: "I'm not saying [that Battisti had] a good life [...] but surely he's done a better life than my brother who's been forty years inside a coffin in the family chapel."²⁹⁹ In Paris, he was considered a respectable man. He worked as a doorman and earned his living by translating into Italian French noir stories. His most important activity was writing; he became a *romancier* and published several novels both in French and Italian. He had two daughters and got married in 2015. Battisti was anything but seen as a terrorist in France; he was seen as a victim persecuted by the insensitive and unromantic Italian country, which didn't recognize the courage and strength of this convinced combatant. When the second request for extradition arrived from Italy a solidarity movement exploded from the left-wing French intellectual world. Among them there were Daniel Pennac, Fred Vargas and Bernard-Henri Lévy himself, who also wrote the preface of one of his books. Fred Vargas financially supported him until his arrest in Brazil, paying all his legal costs, even the trips to Brazil of his family members. According to her, "the extradition of Cesare Battisti would constitute a profound injustice to man, an affront to the honour of our country and its citizens, and a serious Historical error".³⁰⁰ French intellectuals were joined by personalities from all over the world to support this "hero", even international personalities -as the Nobel Prize Gabriel García Márquez- and Italian personalities, including Valerio Evangelisti, Giovanni Russo or Nanni Balestrini to mention a few ones.

Oreste Scalzone (founder of Potere Operaio and Autonomia Operaia) also lived in Paris with his wife and daughter. He received a few money by the Italian State for his job as tenured teacher and managed somehow to have a dignified revenue. He went often to have a talk in *Beaubourg* with Italian politicians and he had assumed the role of official mediator of the Italian community in Paris. Even though Negri, Battisti and Scalzone had had mostly positive experiences, not everyone had the chances of Negri, or his cultural background which could open him so many doors. For Guido Bianchini, for example, his exile was a real cross.

²⁹⁹ (26th March 2019) "Cesare Battisti ammette quattro omicidi, il fratello di una vittima: "Vuole sconto di pena", *La Repubblica*..

Maurizio Campagna's interview, min. 01:24 → <https://www.youtube.com/watch?v=rj03DUyac-g>

³⁰⁰ Vargas, Fred (2004) *La Vérité sur Cesare Battisti*, Viviane Hamy, p. 17.

He hated it and wanted to go back home. It was not that easy to acquire a dignified lifestyle; many were forced to steal in supermarkets with the risk of being caught *sans papiers*. Lanfranco Pace, contrary to Negri, wished to come back home. But his work for *Libération* at the time of the exile owned a writing and journalistic career which continues today. For some others, France's hosting was a privilege, but still they felt they were in a perpetual kind of undeclared amnesty, as for Claudio Borgatti. The refugees lived all in all correctly and were convinced that Italy did not have any solid arguments, not even from a legal point of view, to obtain their mass extradition. They knew that until Mitterrand was there the situation was calm. For many Italians it was shocking to see criminals conducting an apparently "normal" or respectable life in France. And even though refugees under the Mitterrand Doctrine adapted themselves to do a bit of everything: bricklayers, painters, carpenters, plumbers, merchants, cooks and innkeepers, sellers of encyclopaedias, opened restaurants, run Parisian brasseries, spaghetti shops, bookshops, "alternative" places where computer science and Marxism-Leninism topics were discussed, they did not miss the opportunity, when possible, to speak out loud and to speak their minds over the most boiling subjects.

CHAPTER III AN AMBIGUOUS DOCTRINE

1) Italy.

Even though the Doctrine seems well defined and simple there are still some blurred aspects deserving our attention. Both Italy and France are guilty for hiding the insidious part of the Doctrine. Concerning Italy, it wanted its terrorists back, but when France wanted the members of the FLN Italy didn't give them back. Italians were somehow accomplice with the FLN terrorists. For this reason some people say today that the Mitterrand Doctrine was, in fact, a revenge for how Italy behaved a few years earlier.

Moreover, it is hardly comprehensible why Italians would send incomplete documents justifying their extradition requests. It was a certified fact that Italian judges didn't send serious files [*dossiers*] proving that there had been a blood crime, and the reason why is unclear. Why would Rome inform of its criminal

situation in an unclear way? Why did it show unwillingness to provide the additional information requested? Italian judicial system was more than able to produce correct documents or to extradite a criminal if it truly wanted to do so, but it had interests in not doing so.

Besides, Cesare Battisti and Toni Negri should have been extradited. But they did not. How could Italy not prove, in forty years, that Battisti was guilty and obtain his extradition only in 2019? The fact that Battisti was accused of two murders by a repentant, by a terrorist, was too small for a proof for the French. And there weren't any sources supporting these facts apart from the testimonies of the repentant, which have no legal value. The journalist Cesare Martinetti put on paper "the improper use of the doctrine was tacitly favoured by the Italian government."³⁰¹ The fact was that this situation was convenient for everyone. Craxi had also asked Mitterrand to keep Toni Negri to avoid "*conseguenti grattacapi*". "I am being pressured to request Negri's extradition [...]. However, I have no interest in his return. [...]."³⁰² told Bettino Craxi to the ambassador in Rome Gilles Martinet. Discovering this, we learn that Craxi was interested in France to withhold Negri, so much as Prof. Lazar and M. Matard-Bonucci claim that we could even talk today about a *Doctrine Craxi*³⁰³.

2) France.

The Doctrine remains in a double ambiguity because the blurred aspects of it come also from France, the country that launched the Doctrine itself. Some issues are far from being crystal clear. The misunderstandings of the doctrine from the French perspective concern first and foremost the Cesare Battisti Case. If Mitterrand said that the refugees who had committed blood crimes would have been extradited to Italy, Battisti –accused of two crimes where he had been the material executor– should have simply been extradited. And very quickly. Rather, he was extradited forty years later. In this sense, the Doctrine is misunderstandable, or is simple purely political. How unpopular would have been

³⁰¹ Martinetti, Sergio (February 2010) "La dottrina Mitterrand e i terroristi italiani", *Il Corriere della Sera*.

³⁰² Martinet, Gilles (2004) *L'Observateur engagé*, Paris, J.-C. Lattès, p. 225.

"Or, je ne tiens nullement à son retour. Sa fuite l'a discrédité, mais s'il revient, il sera durement condamné et fera figure de martyr. Peux-tu dire à Mitterrand qu'il soit soustrait par la police française à la surveillance des carabiniers et disparaisse pour un moment?"

³⁰³ Lazar and Matard-Bonucci, *op. cit.*, p. 357.

Mitterrand if he would have extradite Battisti? The Doctrine Mitterrand is a very subtle instrument: conceived as a to be used to protect extraditions and to solve, at a very particular moment, a very particular internal security problem, it ended up lasting thirty years instead of ten. Its longevity is as surprising as the eternal run of Battisti.

The political aspect of the Doctrine is now glaring. The *Mitterrand Doctrine* was a way to answer to a political problem in a political way, and not in a judicial way, without forcing the exiled to admit a guilt of any kind. François Mitterrand, once he became President of the Republic, applied very strong symbolic measures. One of them was the abolition of the death penalty, another one was the abolition of the State Security Court, and in the legal field the pardon of the members of the armed group Action Directe. The idea was that a sort of new era was beginning with him, that it was over with the reign of the hard, brutal, anti-popular Right. The Left was at work.

In 1979, a huge part of the Italian and French press had stated that the *École Hypérion* had served as a centre of exchange for the Red Brigades, coverage of the Red Brigades in France. The école Hypérion was a foreign language school ruled by a group of Italian, French, German and English intellectuals, located in Paris, where the first splitters of the Red Brigades taught (Berio, Simioni and Mulinaris). For some it was an international centre of terrorism hidden behind the label of a linguistic institute. For Italy it was probably not only the French base for Italian terrorists but the centre of international terrorism.

Last but not least, what remains vague and confused is the extradition criteria. Of course, Mitterrand was very clear on that point, but in the above-mentioned paragraph we have discovered that people who deserved –according to Mitterrand’s criteria– extradition didn’t receive it. It worked also the other way round: people who did not deserve extradition, following Mitterrand’s criteria and logic through time, received it. It was the one single case of Paolo Persichetti. Italian refugee, ex *brigatist*, who used to live *au grand jour* in Paris, university researcher, he was extradite in 2002, handed over the Italian authorities in the dark tunnel of the Mont Blanc. Despite the media coverage of the French asylum issue, no extradition was granted for activists who had chosen to abandon the armed struggle, no extradition! Or not until 2002, when Persichetti “sacrificed”.

Persichetti had been the only one of the refugee exiled in France for whom the Prime Minister Balladur had countersigned an extradition decree in 1994. President Mitterrand, probably with the aim of repairing this error, publicly called for Persichetti's release on 17 January 1995, although he had been in prison since November 1993; released on 25 January 1995, his extradition procedure had not been cancelled.

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