

Article

Legal yet Illegitimate Governance in Italy

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Abstract: For several decades Naples has exemplified the deficit of legitimacy that now outstandingly mars public life in Italy and across many democracies. Drawing on ethnographic evidence from extended anthropological field research, this article examines the increasing gap between rulers and the ruled, which jeopardizes the authority, therefore legitimacy, of governance. With a focus on this major Italian city, the discussion leads to the conclusion that this gap and its ramifications are a substantial threat to democracy that urgently needs to be understood in depth and comprehensively, eschewing both conceptual superimposition and ideological bias *organic* to vested interests.

Keywords: Naples; Italy; legitimacy; misgovernance; second-class citizens

1. The Value of Ethnographically Based Analysis

This short essay draws on long-term anthropological research from Naples and contextual evidence from Italy to examine key aspects of a long-standing deficit of legitimacy. Undergirded by the increasing gap between rulers (and their cohorts) and the ruled, this deficit exemplifies a weakness in the democratic covenant that profoundly mars Italian public life. In the present discussion, the fundamental theoretical contention that the authority of leaders is based on credibility, management of responsibility and reciprocal trust with citizens [1,2] is the bedrock of a conceptual framework that recognizes the need to understand, at the grassroots level, moralities and expectations towards a governmental system and the ways in which the government responds. In this major city, as—most concerningly—across Italy and much of the democratic world, the aforementioned gap constitutes a substantial threat to democracy. To complicate this vexed problem, all too often the powers-that-be appear to be both uninterested in recognizing its nature and unconcerned that their management of power lacks legitimacy in the broader society.

As a classically trained social anthropologist, I share the discipline's "natural" aversion to unjustified abstraction and wariness of narrow empiricism [3,4]. A committed ethnographer [5], throughout my professional career, I have worked in the belief that an in-depth understanding of the moral complexity and social value of individual action helps significantly in gaining a better view of key dynamics of legitimacy and legality in the relationship between citizenship and governance. This is particularly significant to a contested analysis of social policy, legislation, integration and access to rights [6,7].

Here, I address the complex issues raised by the gap between rulers and the ruled by drawing on long-term anthropological research in Naples and elsewhere in Italy. I rely on the findings of several full-time, full-immersion fieldworks based on the systematic application of the tried and tested methods of participant observation and the in-depth case-study of people, groups, situations and events (for an outline [5]) that I have conducted since the early 1980s up to 2019, as well as updating field trips in early 2020 and September 2020. As the COVID-19 pandemic and the consequent lockdowns have made it impossible to visit the field, over the past year, I have kept abreast of local developments through regular epistolary exchanges, Skype and Zoom meetings and telephone conversations with informants. Local investigative journalism has also produced useful information. What follows testifies to the contribution that the discipline's paradigm—in synthesis, the holistic,



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ethnographically-based study of the chosen setting—can make to our understanding of the interactions between the social, the economic, the political and the cultural.

2. The Tyranny of Ruling by Double-Standards

My interest in legitimacy and processes of legitimation and de-legitimation [1,8,9] arose in the early 1990s from a long-standing concern about the disconnection of the ruling élite from ordinary citizens. As the impact of this disconnection on ordinary people's lives came increasingly to the fore in my ethnography, I began to investigate empirically the attendant structuration and entrenchment of inequalities [10,11].

Leading local intellectuals and most of the media hailed the 1990s as an age of enlightenment for Naples, the third largest city in Italy. I have discussed that unfortunate time for the city's inhabitants [5,9], which culminated in the infamous rubbish crisis and the consequent pulmonary and infectious diseases and deaths [12]. In those years, having lived for an extended period of time among Neapolitans who, in the then dominant Marxist literature, were collectively dubbed a dangerous underclass—a deprived and oppressed *sottoproletariato* (lumpenproletariat) (for an articulated criticism of this literature, see [6]; see also [13–15]), I was gradually extending my field research to other areas of the city and to other social groups [5].

Across the city, I witnessed the daily difficulties encountered by ordinary citizens forced to live and operate in a problematic urban environment. Informants from across local society found common ground in expressing their anger at what they described as a “glaring disjunction” between the on-the-ground reality marked by urban decay, a dearth of public services, high formal unemployment, entrepreneurialism curbed by interest rates between 2.5 and 5 percent higher than in the Centre-North, and the grand claims of renewal and betterment made by the new administrators, who had achieved power benefiting from an unconscionable combination of partisan judicial interest [7,16,17] and highly spun trial by media. I refer specifically to the infamous *tangentopoli* (kickback city) scandal of the early 1990s and to the judicial inquiries on political corruption that, with the substantial help of media hype, destroyed all political parties except the small and inconsequential right-wing Alleanza Nazionale and the powerful Partito Comunista Italiano, the largest of its kind in the West. Elsewhere [7], I have discussed these events at length, analysing the heavy political, social and economic impact of the *tangentopoli* inquiries, the large number of accused who turned out to be innocent but had their careers and lives destroyed, and the consequences of this contradiction across Italian society, which extends to today's situation.

Therefore, I started a systematic study of the sharp contrast between my ethnography of ordinary Neapolitans and their mistreatment by distrustful rulers, who, then as now [11], enjoyed no trust or legitimacy among most of my informants [5,6]. Then as now, a large proportion of Neapolitans were treated de facto as second-class citizens oppressed by adverse policies that impacted heavily on their lives and informed their growing distance from what they castigated as “predatory powers-that-be who ruled by double-standards”. Over time, they have been joined by their fellow Italians, as the dominant élite's disregard for the people has extended to, and become entrenched in, central government.

The plight of these “second-class citizens” exemplifies a tyranny [18] of inequality generated through ideology, corruption and privilege. The tangible effects of this mistreatment of the majority for the benefit of the networked few clearly shows that such a society and its laws are harmful, liable to chastise the unaligned, frustrate personal determination, talent and ingenuity and disenfranchise merit. The evidence is overwhelming. Here, I outline these dynamics, referring the interested reader to a recently published extended discussion [11].

3. Managing Power by “Sleight of Hand”

While regularly updating my Naples ethnography and extending my empirical interest to the mismanagement of immigration from outside the EU, over the past 30 years I have researched key élite groups' management of power and authority [5].

As this long-term anthropological research progressed, my sense of the relationship between rulers and the ruled slowly became clearer, contributing to an understanding of the forces shaping contemporary Italy. Many years ago, I worried about the danger that the combination of legally established powers that failed to achieve legitimacy in broader society and ordinary people's informed distrust of those who manned the institutions of the state and of local governance could coalesce into a deep-seated de-legitimation of those institutions [1,7]. In Italy and very clearly elsewhere, this is now a reality, as is graphically brought out by the Greek case [19], and perhaps less painfully but equally problematically across the democratic world [20].

Italy is, of course, an established democracy. Here, however, democracy is not healthy, weakened as it is by broken trust between rulers and the ruled and a deep crisis of legitimacy in public life. Over a long period of time, the democratic contract has been substantially harmed by an entrenched commitment to the grubby trade of legitimacy for power that has left rulers' actions exposed to a demeaning lack of authority. To magnify the problem, this distortion of political responsibility in the exercise of power, in many cases embodied by a slanted wielding of official power, has marked political action across the board.

Put bluntly, Italy has long practised an idiosyncratic version of democracy driven by a deficit of legitimacy that has gradually become both glaring and dangerous. To date (Spring 2021), a succession of unelected prime ministers and governments have been appointed through a procedure that may be just about constitutionally correct, therefore legal, but has made Italians feel that they have no say in the matter of who rules them, that they are subjects of a barely disguised authoritarianism. This practice, though clearly gangrenous for democracy, is peddled to the Italian public as acceptable—on occasions, even “unavoidable”; in any case, “normal”. To the understandable dismay of a widely unconvinced Italian public, these arbitrary appointees have enjoyed the support of the majority of Parliament. As these legal but illegitimate appointees have proceeded to implement policies that are received in the wider society as highly and unfairly punitive, the gap between the powerful few and the rest appears to have become “unbridgeable”.

These critical anomalies have progressively disfigured Italian democracy. As a direct consequence, “the establishment” has lost credibility among the public. Its running roughshod over electoral results and political practice could not be starker. In March 2018, a general election returned a hung parliament. The turnout was 73%. Italians voted overwhelmingly (50% nationally, up to 75% in the South) for protest parties of the left and the right—respectively, the Five Star Movement (M5S) and the League—that addressed key popular instances. In Italy as elsewhere, these “alternative” parties have been shallowly—some argue, conveniently—labelled populist. In May 2018, these parties formed a coalition government led by an unelected and, until then, obscure lawyer, Giuseppe Conte. In August 2019, that government fell. In September 2019, a new government was formed, headed, again, by Giuseppe Conte but this time including two ex-archenemies, the M5S party and the Democratic Party (PD), which had been voted out of power in 2018. This second “Conte government” stayed in power until February 2021, when it was replaced by a “broader coalition” government led by yet another unelected individual. This succession of marriages of convenience and volte-face has not escaped attention at the grassroots level, where it is called “sleight of hand”. An extended analysis of this well-oiled practice among Italian politicians belongs to a separate paper which builds on the exemplary theoretical value of Prato's fine account of *ribaltone* (turnaround) in the Southern city of Brindisi [2].

4. Progressive Inequalities: The Naples Case

In Naples, the turnout at the last local election (June 2016) was 50.37%. In Campania, the Naples Region, the turnout at the 2015 regional election was 51.93%; at the September 2020 regional election, it was 55.53%.

That June, a colourful candidate who soon proved to be a remarkably ineffective mayor [21,22] was elected against weak traditional candidates of the centre-right and the centre-left. Most (65%) of the Neapolitans who turned up at the polls, accounting for 33%

of the local electorate, voted for him. The genesis of this anomaly is seeded in another anomaly: since the systemic corruption scandals of the 1990s to which I have referred earlier, politically committed sections of the judiciary have repeatedly taken over a key aspect of the political process, selectively emasculating political competition and, in the process, dangerously eroding the key democratic principle of the division of powers. Notoriously, while judicial inquiries drive scandal but often fail to deliver convictions of the accused, many “new brooms” become involved in abuse of power, bribery and corruption [7]. In Naples, I have been asked to note, “While in office, the mayor received a 15-month suspended jail sentence for abuse of office and a hefty fine for libel”—crimes which were committed while he was in the judiciary [21,23]. He was subsequently suspended from office by the judicial authorities, appealed, and one month later managed to be reinstated on a technicality. Equally interestingly, it was also pointed out to me that “his deputy received a 1-year suspended jail sentence for having assaulted a policewoman in the past. He, too, stayed in office” [24].

Today, as throughout the past 30 years [11], a legal style of governance meets the interests of select groups linked to who is in power. This at once engenders and thrives on a blurring of the dividing line between what is legal and legitimate and what is legal and not legitimate in public life [7]. This blurring is critically broadened by ad hoc municipal decrees and legislation that conveniently make legal actions that serve vested interests but are received in broader society as inexcusably partisan, unfair and often harmful. This practice, widely adopted also at central level by the aforementioned coalition governments, offers another example of erosion of the democratic division of powers, for ruling by decrees evidently blurs the boundaries between legislative and executive powers.

For lack of space, I cannot discuss actions that take place at the grassroots level and that are officially illegal but are seen as legitimate by the actors and their significant others. I refer the interested reader to my separate works [5,6,8]. For the purpose of the present discussion, it may be useful to summarize some aspects of a governance that my informants, who are from all walks of life and who live and operate in central Naples, recognize as legal but abhor as obnoxious, unfair and illegitimate.

For a while, local rulers’ ideological fantasy of an unspecified “orange revolution” was both electorally convenient and marred by a “bread, circus and gallows” approach to rule [7]. Over time, it has generated a distrust in their ability to lead, which is widely felt across local society. Their complex and multifaceted mismanagement of administration and the urban environment is a case in point.

“I love my city”, my informants keep saying to me, “and it breaks my heart that it is falling apart in every sense. For almost 30 years our rulers have been uttering platitudes about a renaissance of Naples. We’re no fools here, you know. We say, *‘Chiacchiere e tabacchiere e’ lignamm o’ Banco ‘e Napule nun ne ‘mpegnà!’* (This translates roughly as “The bank/pawn shop won’t accept chatter or wooden tobacco boxes”). Every day we live in a mess that keeps getting worse. Those in power say nice words but do nothing about this, and meanwhile things get worse for ordinary folk like me.” The protests of the local residents and the formal complaints lodged by citizens’ associations bring out the issue of a city in disrepair that is increasingly dangerous, unhealthy and rife with street violence and administrative inefficiency.

Municipal finances and patrimonial resources continue to be mismanaged to the brink of financial insolvency [25–28]. The City Council is responsible for the upkeep of roads, pavements and public buildings, and for most of the local public transport system. The urban road surface is hazardous, pocked with potholes (many very large and deep) that produce huge business opportunities for local garages and headaches to insurance companies [29]. Public welfare is dubious. Crime is rife, especially autochthonous and immigrant street crime, which to the ordinary Neapolitan appears to be out of control. Local hospitals’ emergency departments report daily occurrences of broken bones and other serious injuries resulting from accidents in badly maintained public places—broken or uneven walkways; pieces of masonry that fall from public buildings and hurt or kill

pedestrians [30], and so on. Public space continues to yield medieval visions of filth: rubbish strewn across roads and pavements, rats, cockroaches, stray cats and feral packs of dogs [31]. As I have discussed at length in past works [9,15], in this unhealthy situation, alleyways become choked with rubbish, main roads turn into ever-narrowing bottlenecks, pavements disappear and pedestrians are forced to walk over festering heaps amidst vermin, stench and exhalations. Moreover, marred by inefficiency, redundancies and strikes, the public transport system is perilously close to total collapse. Public transport has long been insufficient to serve a population of over 3 million; as the local leader of the leftist Democratic Party noted, “in 1997 there were 800 buses, now there are 300 and they are 17-years-old, and often out of action”. The situation has since consistently worsened [32].

In this scenario, one’s mind is drawn to the complications brought out by the ethnography of mismanagement of power that fosters difficult relationships between an autochthonous population traditionally tolerant of diversity and accepting of foreigners and the ever-growing number of undocumented immigrants [33,34]. This substantial urban change, my informants in central Naples say, has made their neighbourhoods dangerous and unliveable. Here, as across Italy and beyond, misgovernance has bred these dark overtones, engendering critical dynamics of integration versus exclusion and of tolerance versus toleration, as they have contributed to turning the autochthonous population’s natural *tolerance* into *toleration* and, gradually, as citizens’ instances have remained unaddressed and problems unsolved, into *intolerance* [11]. These oppositions and their worrying ramifications, I note, were incisively discussed over ten years ago by Giuliana B. Prato in her early, bravely argued critique of “multiculturalism as a political project” [35]. In a fine example of what Laura Nader has called “contrarian anthropology” that questions assumptions that inform entrenched mindsets, Prato and the contributors to her book [36] drew on varied ethnographic evidence to examine this obnoxious project on the ground. Their robust analyses foresaw its failure, powerfully bringing to light its contribution to furthering injustice and inequalities; a failure now of course broadly recognized in the specialist literature and, critically if belatedly, in politics. Local examples of such a failure abound.

This difficult situation is exacerbated by local rulers systematically turning a blind eye to the scavenging and sale of rubbish that has been going on in central Naples for many years, including during the Covid-19 pandemic. Regularly reported in the media [37,38], the rubbish trade has now gradually expanded from the area around the main station (Piazza Garibaldi) to most of the city centre. The rubbish peddlers—mostly Roma immigrants—are regularly seen rummaging in the dumpsters; they then proceed to display and sell what objects they have scavenged; mainly shoes and clothes, but also reading glasses, purses, hats, gloves, and so on. My informants find, of course, no consolation in knowing that a similar trade takes place in Rome and elsewhere in Italy under germane styles of local governance.

Local residents and traders protest that “despite the legal and health issues involved, this kind of trade goes on unchallenged”. In the face of the authorities’ failure to act, some extremist groups have mounted organized attacks against the rubbish peddlers and, on some occasions, have been joined by local residents. In a belated show of action, the local administration decreed that anyone caught rummaging in dumpsters would be fined €500 on the spot. Within 24 hours of its publication, fines were issued, and left unpaid, because the transgressors were officially destitute or could not be identified because they had no documents.

These dynamics tally significantly with illegal immigrant dealers being allowed, by default, literally to monopolise walk-sides, gardens and squares, while the autochthonous licensed traders are heavily fined for exceeding the space allocated on their trading licenses. The latter are identified and must pay—“unlike”, as one of them noted, “the illegal peddlers who operate here, run from the police just to reappear when it is safe, and if caught cannot be made to pay because officially they’ve no income and often no identity documents”. As residents and traders in the city centre grow concerned for their health, a highly explosive

situation is brewing, one that brings to mind past riots motivated by similar reasons [12]. A young man who was forced by the municipal police to close his stall because he could not pay the fine was, “sorely aware that unlicensed illegal immigrants can sell what they want where they want”. He went on to remark, “why I can’t sell my wares but they can sell my rubbish?”.

The double-standards practices of the local administration extend to appeasement of the violent actions of local extremist groups and their ideology of the state as the enemy. Local commentators denounce today’s governance as deeply embroiled with these groups. Antonio Polito, the deputy editor of an authoritative centre-left newspaper has described how these malcontents “have become his (the mayor’s) party” and “his militant guardians” [39]. In turn, they have been allowed to settle in publicly owned buildings, as in the case of the Asilo Filangieri, named after the great 18th century Neapolitan jurist and philosopher. This building of important historical value was restored at public expense to be used as a venue for international cultural events. Like several other buildings in the city, it was illegally occupied by “collectives”, radical groups who were later turned into legal occupants through ad hoc Municipal Decrees (of 25 May 2012, 29 December 2015 and 01 June 2016); now local rulers are under investigation for abuse of office and damage to the public purse [40]. Adding to this political and legal chaos, as noted by Polito and others, councillors in power, who argue for a Venezuela-style future for the city, have recently led protest marches to block the visit of leading politicians whom they do not like. Local leftist intellectuals point out that the season of violent demonstrations geared up in 2017 [41], when the mayor proclaimed that the leader of a centre-right party must not speak in Naples. Similar actions continue to take place.

The foregoing spells out a plethora of serious problems, each raising deep concerns for associated life. Combined, they very seriously endanger individuals’ health, security and critical citizenship rights, and undermine fundamentals of the democratic order. It would be difficult to contest the view held by many ordinary Neapolitans with whom I have spoken that much responsibility for this dangerous combination lies with their rulers—local, regional and national, whose timidity under international pressure also does not seem to escape the attention of many informants.

5. Abusing Democracy: A Done Deal?

In Naples, as elsewhere in Italy, the view is dire. The democratic covenant between rulers and the ruled has dropped into the chasm between some dominant élite’s running roughshod over it—a practice that is peddled to “the masses” as a bitter but necessary pill to swallow—and the real-world incarnation of such riding as a rotten deal. This rough handling of the democratic covenant is both resented and actively opposed at the grassroots level as it patently protects the interests of the powers-that-be and their networked friends, in most cases at the expense of the rest of society. Things have recently escalated, as during the pandemic people have had to live with the impact of local, national and international political inefficiency and questionable policies that are under intense scrutiny.

In her recent essay on “Pandemic Emergency, Solidarity and Brutus Tactics”, Giuliana B. Prato has drawn on the Italian scenario to raise an important point that has worldwide significance. She writes:

“The Italian philosopher Agamben has recently criticized the ‘techno-medical despotism’ of the Italian government, justified in the name of the ‘common good’, but in fact resulting in the suppression of political and civic freedoms, of human rights and dignity (Agamben 2020) [42]. Internationally influential in the social sciences until recently, Agamben has lost the support of the Italian ‘radical’ intellectual establishment because of his position on Covid-19 and his criticism of the government. With punctual descriptions and denunciations, he describes the government’s action as a ‘gigantic operation to falsify the truth’ and points out how the Covid-19 pandemic has been exploited as an opportunity to bring in authoritarianism and a new political rationality centred around biosecurity” [43].

Critically, far before the Covid-19 pandemic, it had become only too easy for powerful élite groups to spin their repeated disregard for the democratic principles of governance as a measure mandated by some “critical situation”, by some “emergency”. The thing is, such a “critical situation”, such an “emergency”—mostly imaginary but represented as true—have become the established state of affairs in the country. Hence, the “extraordinary”—but de facto normalized—step of “*having to recur*” to emergency governments led and staffed by unelected people, who on rare occasions may be prestigious figures. It is increasingly clear that citizens are not gaslighted by this dominant rhetoric, which visibly lacks legitimacy at the grassroots. Yet, this seems to make no difference to the powers-that-be, as legal but illegitimate governments regularly encounter only minority opposition in Parliament. Untainted by ideological bias or commitment to be *organic* to a political agenda, my informants draw on their lived experience as they remark that most Parliamentarians’ support for unelected prime ministers and governments illustrates the point that Italian political culture appears to contain deep reserves of cynical manipulation of electoral results and intolerance to citizens’ will.

There is, of course, little comfort in the growing belief across Europe that many aspects of this dire view from Italy extend into the workings of the European Union. Many increasingly view the commendable ideal that originally inspired the EU project as having turned into an undemocratic, ineffective, even harmful reality.

6. Concluding Remarks

These brief reflections on the crisis of legitimacy in Italian public life remind us that, by definition, democracies may well be more resilient than some expect, but they are still fragile achievements. In a national context marred by a succession of governments manned by unelected people, we have examined how in Naples the actions of rulers elected by an ideologically driven minority of registered voters pander to the interests of select groups. We have seen how, holding power but lacking authority, this style of “governance by double-standards” contributes substantially to making life difficult at the grassroots, where it is resented as illegitimate. Bluntly, the discussion given here brings out a warning for committed democrats across the world. It spells out critical dangers engendered by the gulf between the ruling élite and the rest. Some specifics may change from context to context, but here, as in much of the democratic world, the situation that we have studied raises the general warning that as this gulf keeps widening there is no simple road back to authoritative, because legitimate, democratic governance—certainly not from the viewpoint of the ordinary people who have to live with the practical consequences of this gulf.

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