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**‘Sketching’ Colonialism:  
The Portrayal of International Law in XIX and XX Century  
Propaganda Illustrations and Cartoons in Italy**

**‘Schizzi’ di colonialismo:  
la raffigurazione del diritto internazionale nelle illustrazioni  
e nei fumetti di propaganda nel XIX e XX secolo in Italia**

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ABSTRACT. This article explores the international law narratives ‘depicted’ in Italian colonial propaganda illustrations and cartoons. The aim is to identify (international) legal arguments crafted to ‘counter-resist’ objections against the Italian colonial enterprise. These arguments provided legitimacy and neutrality to the Italian colonial endeavour and normalized a certain understanding of the colonial space and its subjects. After setting out the historical background, the article engages in a brief methodological reflection on the analytical function of illustrations and cartoons. Thereafter, it applies the methodological framework to analyse ‘counter-resistance’ international law narratives in a selection of XIX and XX century images. The article concludes by reflecting on the performative role of law, its palatability to mass-consumption and the legacy of the legal construction of the colonial *mission civilisatrice*.

ABSTRACT. L’articolo si propone di investigare le narrazioni di diritto internazionale raffigurate nelle illustrazioni e nei fumetti di propaganda coloniale in Italia. Lo scopo è quello di individuare le argomentazioni giuridiche formulate per ‘contro-resistere’ al dissenso e alle obiezioni mosse contro l’impresa coloniale italiana. Il discorso giuridico era utile a legittimare lo ‘sforzo’ coloniale, correlandolo di (presunta) scientificità, e a normalizzare un certo intendimento dello spazio coloniale e dei suoi soggetti. Dopo aver introdotto il contesto storico rilevante, l’articolo prosegue con una breve riflessione metodologica sulla funzione analitica delle illustrazioni e dei fumetti, per poi indagare, attraverso una serie di immagini del XIX e XX secolo, le narrazioni di ‘contro-resistenza’ radicate nel diritto internazionale. L’articolo conclude riflettendo sul ruolo performativo del diritto, la sua ‘appetibilità’ per il consumo di massa e sull’eredità della costruzione giuridica della missione civilizzatrice.

KEYWORDS / PAROLE CHIAVE: Colonialism, Cartoons, Illustrations, International Law, Narratives, Juridical Discourse, Resistance, Counter-resistance / colonialismo, fumetti, illustrazioni, diritto internazionale, narrazioni, discorso giuridico, resistenza, contro-resistenza

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SUMMARY: 1. Introduction. – 2. A Brief Overview of Italian Colonial History in Africa. – 3. ‘Resisting’ Resistance in Propaganda Pictures. A Few Methodological Remarks on the Analytical Function of Illustrations and Cartoons. – 4. From Liberalism to Fascism: The Construction of the Myth ‘*Italiani brava gente*’ and its Perpetuation through the International Law Discourse. – 4.1 Liberal Colonialism and the Expedient of *Tutelage*. – 4.2. The *mission civilisatrice* between ‘Legitimate’ Violence and Geopolitical Considerations. – 4.3. The Nationalistic Turn and the Elaboration of a Differentialist Approach. – 4.4. The Fascist Italian Empire and its (Partialized) International Legal Narratives. – 5. Conclusions: The Juridical (Co)Production of Colonialism: A Legacy.

1. *Introduction*

Italian colonial past is admittedly less explored than other European colonial endeavors. This might be due to the comparatively shorter duration of Italian colonial ‘domination’ and the smaller extent of the territories colonized. Yet, until the 1980s at least, there was also a severe reluctance on the part of Italian intellectual and governmental elites and institutions (including academia) to seriously engage with Italian colonialism. This is possibly attributable to a (conscious or unconscious) attempt to maintain the ‘*Italiani brava gente*’ (Italians are good people) narrative. The perpetuation of this narrative was mainly achieved via (partial) censorship of movies and documentaries displaying the reality on the ground in Italian colonial territories<sup>1</sup>, and the exclusion – or at least deliberate ignorance – of autochthones’ recounts of Italian colonial-

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<sup>1</sup> Jedlowski (2011).

ism. The last decades have witnessed a change, with the emergence of scientific and non-scientific publications on the Italian colonial past, mostly from the perspective of history (historiography) and history of law<sup>2</sup>.

This article contributes to this strand of studies through an analysis of colonial propaganda illustrations and cartoons portraying Italian ‘adventures’ in colonial territories in Africa. The aim of this research is to identify international law narratives reflected or directly employed in these illustrations to justify Italian colonial domination in Africa, from liberalism up until the establishment of the Fascist Empire. More specifically, the focus is on international legal arguments constructed to counter objections, resistance and criticism levelled against the Italian colonial enterprise. The analysis will not only pertain to the text accompanying the illustrations, but also the ‘subtext’ (i.e. the message) revealed in the figurative features of the illustrations and cartoons.

This article will proceed as follows. First, it will shortly introduce a historical account of Italian liberal and fascist colonial history. It will then proceed with a few methodological remarks on illustrations and cartoons as semiotic sources, to move on to an analysis of ‘counter-resistance’ international law narratives detectable therein. It concludes by reflecting on the constitutive role of law in the colonial context and its legacy in present days.

## 2. *A Brief Overview of Italian Colonial History in Africa*

The Italian colonial enterprise in Africa started by way of (indirect) support to a private commercial initiative<sup>3</sup>. In 1869, the navigation compa-

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<sup>2</sup> For an extensive and general historical analysis see Rochat (1973); Del Boca (1976-1984); from a history of law and international law perspective, see among others the works of Scovazzi (1998); Martone (2008); Nuzzo (2012); De Napoli (2013); Scovazzi/Carpanelli (2020).

<sup>3</sup> This brief overview aims solely at providing a context for analysis. For an extensive overview see *supra* nt. 2.

ny Rubattino acquired the Assab Bay as an attempt to establish a strategic position onto the Red Sea and make full use of the preferential treatment accorded by the Italian Government for the Genoa-India route. In 1882, Italy formally bought the Assab Bay from Rubattino and established its first overseas territory. Three years later – with Great Britain's *placet* – Italy annexed the port of Massawa on the Red Sea, which was supposed to serve as a springboard for the penetration in Abyssinia and, eventually, the acquisition of control over the entire Horn of Africa. Italy's first moves in the colonial realm were publicly justified on several grounds. First, by glorious commercial prospects in the wake of the Suez Canal opening; secondly, by the notion that the overseas territory would become a migration outlet for proletarians; and – as further explored in the sections below – by the *mission civilisatrice*, which Italy could not refrain from taking part to, as a fully-fledged liberal State.

While these narratives were pushed onto the Parliament and the public opinion, the actual motives for Italy to participate in the scramble for Africa were rather political and reputational<sup>4</sup>. As the destiny of Africa was determined at the Berlin conference in 1884-1885, Italy feared both being left out from the partitioning of the continent and forced to accept whatever geopolitical arrangement would be set up by the other European countries.

After the annexation of Massawa, Italy tried to penetrate the Ethiopian highlands several times, first politically and commercially, then via its military. In 1887, the Italian head of the Government Agostino Depretis prompted the Eritrean war ordering the occupation of the villages of Saati and Uaà, which were under Ethiopian control. The Ethiopian *negus neghesti*, Giovanni IV (the king of the kings, ruling the northern area), protested heavily against the occupation. After escalating in a series of military battles, the Italian campaign ended with the defeat of the Italian military at the Battle of Dogali, leading to a halt of the expansionistic ambitions of Italy.

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<sup>4</sup> Romano (1996), p. 27.

Depretis' successor, Francesco Crispi, realized that it was necessary to 'divide and conquer' the Ethiopian leadership. He forged a friendly relationship with Menelik (the *negus* governing the southern territory of Ethiopia) in the hope of creating a fracture with Giovanni IV. The relationship between Italy and Menelik was sanctioned in 1889 with the Treaty of Wuchale<sup>5</sup>: a move *à la puissance européenne*. Italy insisted that the treaty established a protectorate over Ethiopia and the cession of part of the territory around Massawa, whereas Menelik considered this to be an agreement between sovereign States establishing a peaceful relationship between them.

Agreements between European 'powers' and local rulers were fairly common tools employed by Europeans to obtain control and eventually 'jurisdiction'<sup>6</sup> over overseas territories<sup>7</sup>. The alleged discrepancy between the Amharic and Italian version of the agreement<sup>8</sup> – and the intention on the part of Italy to fully implement the protectorate – inevitably led to a conflict between Menelik and Italy (the Italo-Ethiopian War), which ended with the Battle of Adwa in 1896 and the decisive defeat of Italy. Adwa marked the first emphatic defeat of a European power at the hands of an African military. Italian political credibility suffered a significant loss, both internally and in its external relations, leading to what was termed 'the complex of Adwa'.

The 'complex of Adwa' became one of the leading motives behind the following Italian colonial attempts in Africa. The firm intention of conquering Ethiopia also led to occupy, first commercially and then militari-

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<sup>5</sup> *Treaty of Friendship and Trade between the Kingdom of Italy and the Empire of Ethiopia* (Treaty of Wuchale), signed in Wuchale on May 2 1889, published in «Gazzetta Ufficiale del Regno d'Italia», n. 107, May 6<sup>th</sup>, 1890.

<sup>6</sup> The term is used a-technically in this context, as the legal status of colonies and their dependency relationship with the colonizing power was not always clear and consistent. See Kämmerer (2018).

<sup>7</sup> The legal nature of these instruments is diverse and highly debated among scholars. For a general overview, see van der Linden (2016).

<sup>8</sup> See Scovazzi (2020), p. 346, indicating that the language discrepancy was in fact exaggerated and a pretext to claim a protectorate never explicitly mentioned either in the Italian or Amharic version of the treaty.

ly, Somalia, once again after obtaining British consent. Somalia formally became an Italian colony in 1905, primarily for geopolitical reasons, as the territory was mostly functional to encircle Ethiopia.

Nationalism started spreading quite quickly in Italy at the beginning of the 20<sup>th</sup> century. In 1910, the Italian Nationalist Association was founded, and an expansionistic campaign took place, which involved much of the public opinion and media. The wounded pride of Italy needed an outlet, and the idea started circulating that Libya would be the solution to satisfy Italy's expansion desire, revamp international and national credibility and become a palatable territory for Italian migration. The head of the Italian Government, Giovanni Giolitti, declared war on the Ottoman Empire, dragging the two States into the Italo-Turkish war. As a result of the Ottoman Empire's defeat, Italy gained Tripolitania and Cyrenaica (on which Italy exerted 'full' sovereignty pursuant to the Treaty of Lausanne) and the Dodecanese Islands.

The Treaty of Versailles expanded Italy's control over other areas of Libya and Somalia and confirmed Italy's 'jurisdiction' over Eritrea and the Dodecanese. Mussolini consolidated Italy's control over Libya with the 1923 Treaty of Lausanne<sup>9</sup>. Crucially, in the same year Ethiopia became a member of the League of Nations.

As more extensively articulated in the following sections, the imperialist aspiration became a dominant thread in fascist propaganda. In fact, imperialism was functionally inward: it aimed at creating a national identity<sup>10</sup> and synthesizing a sense of unity and consensus around fascism. Mussolini's aim was to 'gain a place under the sun' that would not be occupied by France or Britain and that had a direct access to the Atlantic and Indian Oceans<sup>11</sup>. The only 'available' land – bearing also high significance for the imperialist narrative of Mussolini – was Ethiopia.

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<sup>9</sup> *Treaty of Peace with Turkey and other instruments*, signed in Lausanne on 24 July, 1923, «League of Nations Treaty Series», vol. XXVIII, 1924, p. 116.

<sup>10</sup> See on this extensively Zocchi (2019) and Calchi Novati (2011), p. 14.

<sup>11</sup> Benito Mussolini, *Discorso al Gran Consiglio del Fascismo*, 4-5 febbraio 1939, available at <http://www.larchivio.org/xoom/dopoletiofia.htm>.

Tensions occurring in Welwel at the border between Somalia and Ethiopia offered the excuse for a military intervention.

In 1928, Mussolini had actually concluded a treaty with Ethiopia, by which the two parties agreed to submit any dispute that they could not settle via diplomatic means to either conciliation or arbitration. Following the (quite explicit) hostile activities of the Italian military and the refusal of Italy to apply to the procedure set out in the latter treaty, the *negus* Hailé Selassié referred the issue to the League of Nations and requested an intervention<sup>12</sup>.

Notwithstanding the attempt of Britain at mediating, Mussolini started the second Italo-Ethiopian war in October 1935. Seen as an outright violation of the Covenant of the League of Nations<sup>13</sup>, the League imposed sanctions on Italy, albeit these did not prove effective and were later removed in July 1936. The Italian annexation of Ethiopia was thus implicitly recognized at an international level. Eritrea, Somalia and Ethiopia were merged under the newly established Italian East Africa.

Ethiopian resistance against the Italian occupation of Ethiopia was generally met with brutal and disproportionate force by Italy, culminating in the Graziani Massacre in Addis Abeba<sup>14</sup>. While Italian military troops occupied several other areas up until 1941, the establishment of Italian East Africa represented the apex of Italian colonialism. The Empire started waning in 1941, when British troops expelled the Italian mil-

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<sup>12</sup> *Discours prononcé par Sa Majesté Haylé Sélassié Ier, empereur d'Éthiopie, à l'Assemblée de la Société des Nations, à la session de juin-juillet 1936* (Speech by the His Majesty Haile Selassie I, Emperor of Ethiopia, at the Assembly of the League of Nations, at the Session of June-July 1936), available at Library of Congress (digital archive), League of Nations Archive, <https://www.loc.gov/item/2021667904/>. The two countries had signed the *Italo-Ethiopian Treaty of Friendship and Arbitration* in Addis Abeba, on 2 August 1928, «Gazzetta Ufficiale del Regno d'Italia», n. 23, January 28<sup>th</sup>, 1929.

<sup>13</sup> 1919 *Covenant of the League of Nations* signed in Paris on 28 June 1919 and entered into force on 10 January 1920, League of Nations, Official Journal, February (1920), p. 3.

<sup>14</sup> The massacre ensued after the attempted murder of Rodolfo Graziani, Viceroy of Italian East Africa, on February 19<sup>th</sup>, 1937. According to Del Boca (1976-1984), around 3000 Abyssinians were murdered in the first three days of the Addis Abeba massacre.

itary from Eastern Africa, and then in 1943 from Northern Africa. With the 1947 Treaty of Paris<sup>15</sup>, Italy lost all its colonies, and was only accorded the administration of the (UN) Trust Territory of Somaliland for a period of ten years.

The expansionist attempts of the Italian colonial campaign briefly outlined above were accompanied by a collective legitimizing effort on the part of many academics, intellectuals, and media. The following sections analyse a selection of propaganda colonial cartoons and illustrations in order to expose the international juridical discourse engrained in the three different phases of Italian colonialism – liberalism, end of century nationalism and fascism – and how it contributed to shaping Italian colonial aspirations. However, before moving to the core of the paper, a few methodological remarks are in order.

### 3. *‘Resisting’ Resistance in Propaganda Pictures. A Few Methodological Remarks on the Analytical Function of Illustrations and Cartoons*

It might seem counter-intuitive to discuss ‘resistance’ in the context of propaganda illustrations and cartoons. In fact, especially cartoons are typically the site of satire and opposition against a certain *status quo*. Yet, in the analysis that follows it is interesting to observe how every seed of criticism or dissent against the Italian colonial campaign was ‘counter-resisted’ through the employment of certain narratives that deconstructed, minimised, or ridiculed objections to the colonial enterprise<sup>16</sup>.

This ‘counter-resistance’<sup>17</sup> was epitomized via a specific juridical dis-

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<sup>15</sup> *Treaty of Peace with Italy*, signed in Paris on 10 February 1947, «UN Treaty Series», vol. 49, 1950, p. 4.

<sup>16</sup> See Nuzzo (2004/2005) on the employment of the sociolinguistic system of law to represent Western modernity and its universal liberating strength, in order to oppose those who refused or resisted the advancement of European civilization, to the point of justifying the use of force.

<sup>17</sup> For the sake of clarity, the term does neither relate to nor wishes to operate as a reference to ‘counter-resistance’ as conceived in psychoanalysis or management studies.

course. The reliance on legal arguments imbued and permeated counter-resistance of a certain sanctity, legitimacy and – most importantly – scientific neutrality. While juridical counter-resistance was erected at the level of legality and reason, resistance was reduced to the realm of opinions and, as such, neglectable, if not even illogical. Endorsing this perspective helps decodifying the dynamic of power and resistance that colonial political illustrations convey with great immediacy<sup>18</sup>.

These images offer an excellent opportunity to study not only power relations, but also the popular and collective understandings thereof. Propaganda illustrations do not just ‘describe’ power relations. They express a certain ‘evaluative meaning’<sup>19</sup>.

In the case of propaganda illustrations, the intent is not only to embody the ‘ideology of the powerful’, but also to elicit specific reactions and sentiments in the readers (or viewers). As lucidly put by Hammet in relation to political cartoons, «[...] these images provide moments through which to engage with both the power relations informing and demonstrated within the cartoon as well as the social experiences of everyday life uncovered therein»<sup>20</sup>. This particular feature was all the more useful in the colonial periods of concern, considering the level of illiteracy of the Italian population in the periods at hand, and the need to convey a certain message in a way that was visibly simple and digestible for the ‘masses’, in a limited surface<sup>21</sup>, yet highly complex at an evaluative level.

Once the relevance and instrumentality of political propaganda illustrations is clarified, the question remains on how to methodologically approach them. This article employs the theoretical framework applied by

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<sup>18</sup>The dynamic ‘power, resistance and representation’ is extensively analysed in Hammet (2010). See also Dodds (2010) and Akande (2002).

<sup>19</sup>Extensively Lemke (1997). This author explains how orientational meaning is presented in both visual and verbal sources. He identifies seven categories that reveal a stance towards what is presented: warrantability, desirability, importance, usuality, normativity and comprehensibility.

<sup>20</sup>Hammet (2010), p. 8.

<sup>21</sup>Dodds (2010), p. 117.

Al-Momani et al. in their semiotic analysis of political cartoons<sup>22</sup>. Semiotics is possibly the most suited approach to study cartoons and illustrations accompanied by text. This discipline offers the tools to pierce the veil of the different components of these images, which stand in a relationship of complementarity to convey the symbolism of the illustrations and lead towards a certain interpretative result. Al-Momani et al. rely on Roland Barthes' theory of the sign and specifically on his rhetoric of the image<sup>23</sup>. As explained by the authors, this implies breaking down the signification process into three different parts: the linguistic message (the text), the non-coded iconic message (the denoted image) and the coded iconic message (the symbolic/connoted message).

The linguistic message is quite straightforward. It refers to the text or words accompanying the image, be it the title, the caption, or the comic strip.

The non-coded iconic message is the literal reproduction of reality, meaning signifier and signified are the same, they overlap. To offer a banal example: the man and the woman drawings on a toilet sign literally represent a man and a woman. The interpreter does not need a system of reference to de-code the image. The reproduction of its actual reality is sufficient to understand the meaning: according to Barthes, «We need no other knowledge than what is involved in our perception»; «the denoted image naturalizes the symbolic message, it innocents the semantic artifice of connotation»<sup>24</sup>.

The coded-iconic message refers, instead, to the symbolism of the image. The signifier in this case is the way the image is 'treated'. The treatment of the image is connected to its signified via the culture of the audience or the society receiving the image. This means that the 'connoted' message is socially and historically bound. «Its signs are gestures, attitudes, expressions, colours or effects, endowed with certain meanings by

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<sup>22</sup> Al-Momani (2017), p. 68.

<sup>23</sup> Barthes (1961) and (1964).

<sup>24</sup> Barthes (1964), p. 47 as translated by Heath (1977), p. 45; Al-Momani (2017), p. 71.

virtue of the practice of a certain society»<sup>25</sup>. The interesting aspect here is that the connoted message is subjective dependant. The final interpretative result is co-constructed by both the illustrator and the viewer. It is, in other words, a cultural message, whereas the denoted message operates at the level of perception. Take, for example, a character in a cartoon with an elongated nose. The signifier is the elongation of the nose, the signified is that s/he is probably a liar, since the elongation of the nose is endowed with the meaning of lying, originating from the story of Pinocchio.

Barthes explains how all three messages work together: more specifically, the linguistic message can function as ‘anchorage’ or be included in a system of ‘relay’. Anchorage means that the text directs the viewer towards a specific reading or understanding of an image. Among the possible alternatives, the text elucidates which iconic message to extract from the image, e.g. a picture of a tree below with the caption «willow tree». Relay indicates instead a complementarity relationship between text and image. In a system of relay, the text does not elucidate the image. Rather, the text contributes to the creation of the meaning, including meanings not to be found in the image itself. Thus, image and text work together complementarily to convey the message. Relay is particularly relevant in the case of cartoons and illustrations accompanied by text, as these represent multimodal genres. As explained by Lemke «verbal and visual choices become tightly interdependent not least because of their unification in the material sign complex itself»<sup>26</sup>.

Undoubtedly, interpreting such images is a complex task. Yet, approaching propaganda illustrations and cartoons and deconstructing the different parts of the signification system employing such a method might yield meaningful results. The attempt will be therefore to extract the most relevant connoted message(s)<sup>27</sup> from the illustration under

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<sup>25</sup> Barthes (1961), p. 135 as translated by Heath (1977), p. 27.

<sup>26</sup> Lemke (1997).

<sup>27</sup> There might be multiple connoted/symbolic messages pertaining to a single illustration. Only the most relevant one(s) to the aim of this paper will be discussed.

analysis, applying the tripartite scheme mentioned above.

A final remark is in order to justify the selection of the illustrations and cartoons analysed below. Narratives conveyed by colonial cartoons and illustrations have been extensively studied elsewhere<sup>28</sup>. As already mentioned, this article takes a specific perspective and attempts at identifying a definite juridical discourse that shaped the Italian colonial mission and rejected any arguments of resistance raised against it. Therefore, the primary criterion in the selection was to identify images that (1) responded directly to objections raised against Italian colonialism across its different historical phases and that (2) tried to either confute resistance arguments or ridicule them. Secondly, it was important to select images that would operate at the level of ‘juridical’ counter-resistance, meaning images incorporating international law arguments advanced to reject dissent. Finally – yet not less importantly – availability and access to images also played a role in the selection<sup>29</sup>.

#### 4. *From Liberalism to Fascism: The Construction of the Myth ‘Italiani brava gente’ and its Perpetuation through the International Law Discourse*

Italian colonialism was premised from the outset on severe misconceptualizations. These were mostly conveyed via (not always scientifically sound) ethnography and anthropology studies, which contributed to define colonial realities. Recounts of explorers and colonial ethnography became relevant tools of domination, especially in the first phases of Italian colonialism<sup>30</sup>.

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<sup>28</sup> See amongst others Manfren (2019); Aich Mukherjee (2015); Nielson (2015); Scully (2014).

<sup>29</sup> The paper is based on illustrations readily available to the author via other scientific and non-scientific publications and the Internet. The core of the paper was conceived and elaborated during the height of the Covid19 pandemic, thus making it impossible for the author to consult relevant original archival sources.

<sup>30</sup> See for example the work of Alberto Pollera as analysed in Sorgoni (2001). Ethnography was also useful in contexts of indirect rule, where knowledge of and reliance

The reification of colonial subjects «through the strategic rhetoric of ethnographic present, [makes] others appear immobile, fixed within an unmodifiable present, far away from the observer»<sup>31</sup>. Colonial populations were ‘photographed’ in an immanent status that a-historicized them completely and conveyed the idea of populations unable to progress. Natives were depicted as exotic, sexualized creatures. But they were also savages, anthropophagi and ‘barbarians’. As put by Zocchi

[...] [this] implies the impossibility of movement, development and growth, which are at the root of European civilizations, based on progress and modernization [...]. [Africans<sup>32</sup>] forgot their past, only exist in the present and have their future determined by the encounter with Europeans<sup>33</sup>.

This understanding of colonized populations will permeate Italian consciousness and lay the foundation for Italian colonialism throughout, becoming part and parcel of the colonial (juridical) discourse and ideology.

What makes the study of the juridical discourse on Italian colonialism particularly interesting is the role it played in performing and (co)shaping the colonial ideal and ideology<sup>34</sup>. Legal arguments were purposefully used to mould a collective conscience around the colonial enterprise and build consensus of the Italian public around it. Significantly, as put by Nuzzo<sup>35</sup>, the juridical discourse shared and participated in the

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on pre-existing indigenous institutional settings and ethnolinguistic communities were seen as functionally useful to ‘better’ govern colonial spaces. See Calchi Novati (2011), p. 6.

<sup>31</sup> Sorgoni (2008), p. 419 as cited by Calchi Novati (2011), p. 6 and Zocchi (2019), p. 6.

<sup>32</sup> In this paper, ‘Africans’, ‘natives’ and ‘indigenous’ are used interchangeably also to reflect and remark the generalization and imprecision employed to define colonized populations.

<sup>33</sup> Zocchi (2019), p. 6.

<sup>34</sup> De Napoli (2013), p. 804; extensively Cianferotti (1984).

<sup>35</sup> Nuzzo (2004/2005), pp. 482-483. Nuzzo cites here Gennaro Mondaini: «What was before an aspiration of few, an ideological stance of parties, the colonial ideal started resonating in the collective conscience of the nation [...]».

performative function that painting and literature exerted in defining the colonial space and its subjects. Legal arguments were employed to actively *construct* their object, rather than describing or interpreting reality<sup>36</sup>. Most importantly, the power of the juridical discourse resided in the legitimization of the colonial enterprise. ‘Law’ was raised at the level of science and, as such, it would mantle the *mission civilisatrice*<sup>37</sup> of neutrality, dissimulate its intrinsic violence and appropriation features. The juridical discourse became the consecrated site of justification of the colonial enterprise. All other discourses were hierarchically inferior and, thus, disposable.

The following analysis will revolve around the three phases of Italian colonialism: liberalism, end of century nationalism, and fascist imperialism. This categorization is merely employed for analytical purposes. In fact, it is difficult to make a clear-cut distinction among these periods and – as also indicated below – certain arguments tended to re-appear, becoming almost cyclical. Nonetheless, it is possible to identify certain specific features, signature to each phase.

#### 4.1. *Liberal Colonialism and the Expedient of Tutelage*

It is widely known that the (juridical) ideological pioneer of Italian colonialism was Pasquale Stanislao Mancini<sup>38</sup>. He poured his ‘scientific’

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<sup>36</sup> Nuzzo (2004/2005), p. 483.

<sup>37</sup> Albeit with its own specificities, Italian colonialism (especially until fascist imperialism) was imbued of the ‘civilizing’ discourse characterizing European (international) liberal thinking. As further articulated in the sections below, the standard of civilization became a catalyst for colonial endeavors. It also served as the pre-requisite for the identification of the ‘appropriate’ legal treatment of colonies and as determinant of the ‘upgrading’ path colonies had to undertake to fully participate in the civilized international liberal order. For the role of the standard of civilization in structuring modern international law, see *ex multis* Koskenniemi (2001). For a recent sophisticated account of the standard of civilization, its historically contextualized ‘including/excluding’ role and its (still) pervasive argumentative value in international law, see Tzouvala (2021).

<sup>38</sup> On the scholarship and legacy of Mancini, see amongst others Nuzzo (2012b); Birocchi (2018); Storti (2013). More recently in a history of international law perspective

knowledge into his political decision-making as Minister of Foreign Affairs and provided the necessary paradigm to the Italian colonial mission<sup>39</sup>.

According to Mancini, it was the moral duty of civilized nations<sup>40</sup> to bring civilization to inferior populations and elevate them from their condition. Yet, beyond morality, Mancini justified – rather legitimized *and constructed* – colonization juridically. Besides relying on some of the most common arguments (like the abolishment of slavery or maintaining public order in trade routes), as explained below, he devised a specific construct, which permeated the colonial juridical discourse for a long time.

Notably, Mancini had fathered the principle of nationality, the monad of international law<sup>41</sup>, to a certain extent the precursor of the principle of self-determination: once a certain group has acquired a national conscience, it also acquires the right to organize itself as an independent entity and to defend this right. Nations, in other words, are to be free of subjugation. Therefore, it was quite striking that the same author would promote and justify colonialism<sup>42</sup>. Objections against Mancini's support of colonialism were then very easily made: how could the colonial enterprise be compatible with his theorization of the principle of nationality and the respect of liberty it entailed?

To (counter)resist this line of arguments, Mancini formulated the following construct. In the African territories concerned, there were no nations, 'only' tribes, which had not yet attained a sufficient level of unity and civilization. On this basis, he categorized the relationship between colonizers and colonized as one of temporary 'protection':

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see Mura (2020), p. 109 ff and Greppi (2020), p. 79 ff, who also engages in an attentive analysis of the contradictions inherent to Mancini's theories.

<sup>39</sup> Romano (1996), p. 22.

<sup>40</sup> The famous 'White Man's Burden' conceived by Rudyard Kipling in 1899.

<sup>41</sup> Mancini (1851).

<sup>42</sup> To describe Mancini's inconsistency in the promotion of the colonial campaign, Scovazzi (2020) p. 335 ff refers to the «betrayal of the principle of nationality». See also extensively Scovazzi (1995).

This [*public law*] relationship is legitimate in the international community as much as it is legitimate in the private law institute of tutelage: tutelage of those incapacitated by age or mental inability; this [relationship] is not incompatible with the principle of independence and equality of all human beings<sup>43</sup>.

In other words, this tutelage would ‘expire’ once inferior populations would graduate to fully-fledged nations and hence be able to self-govern and participate in civilization. This was, in fact, an educational mission. As pointed out by Scovazzi, Mancini’s rhetoric was based on a distinction between a subjugating colonialism (such the Portuguese or Spanish ones) and a colonialism characterized by protection and guardianship for the benefit of non-civilized peoples<sup>44</sup>. Italian colonialism belonged to the latter.

The idea of Africa as either a fragile mother<sup>45</sup> or a child to be taken care of was very much present in the illustrations of the time. It is not by chance that the first cartoon character that appeared on the *Corriere dei Piccoli*<sup>46</sup> was a black child, Bilbolbul<sup>47</sup>. In its first appearances, Bilbolbul is depicted as a child who takes literally a series of figures of speech. Bilbolbul is mainly naïve and at moments a brat, who puts himself into trouble and almost systematically needs the intervention of an adult to be ‘saved’.

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<sup>43</sup> *Discorso del deputato P. S. Mancini pronunciato nella tornata del 30 giugno 1887*, in *Discorsi parlamentari di Pasquale Stanislao Mancini raccolti e pubblicati per deliberazione della Camera dei Deputati*, vol. VIII, Roma, Tipografia della Camera dei Deputati, 1893-1897, p. 168. De Napoli (2013), p. 806; Romano (1996), p. 23. The notion of tutelage was somehow incorporated in Art. 22 of the *Covenant of the League of Nations* for ‘non-standing’ people. See *infra* nt. 94.

<sup>44</sup> Scovazzi (2020), p. 335.

<sup>45</sup> Manfren (2019), p. 89. Zocchi (2019) cites here the chronicles of the explorer Luigi Pennazzi: «In general, I would regard indigenous people as grownup children, having all the qualities and characteristics of the early age of human development», p. 11.

<sup>46</sup> The *Corriere dei Piccoli* was a publication of the *Corriere della Sera* intended for children. See on the particular role of this magazine in Italian colonialism Scarpa (2019).

<sup>47</sup> On the evolution of Bilbolbul throughout the different Italian colonial phases, see Lazzari (2015).

The figure below (Fig. 1) is the very first comic of Bilbolbul. The child has stolen an egg. From this ‘mischief’ a series of consequences ensue, and Bilbolbul is seen personifying a number of (Italian) figures of speech: he becomes red with shame, white with fear, yellow with envy etc. His mother is not able to help him out, until an ‘old savvy’ («Vecchio sapiente») brings him back to ‘normal’, painting him black.

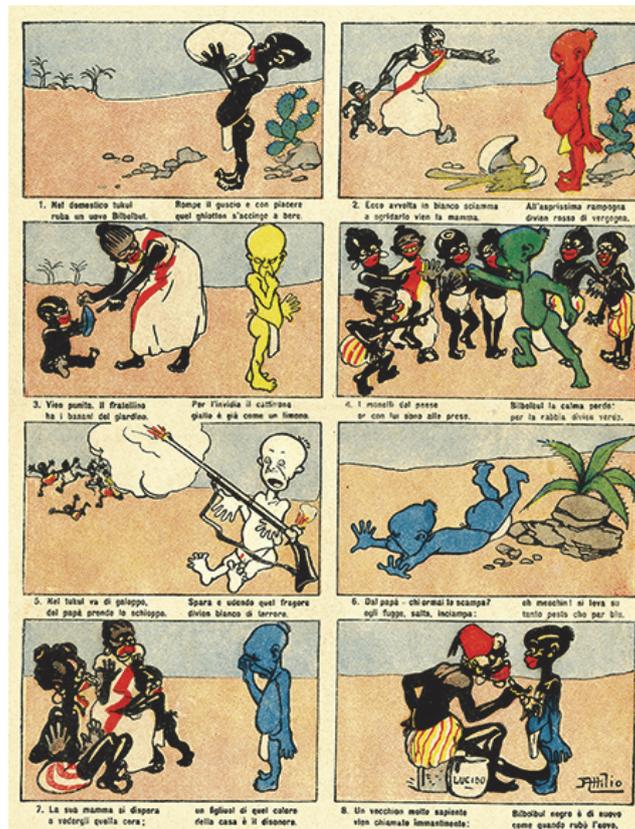


Fig. 1 – *Bilbolbul*, «Corriere dei Piccoli», n. 1, 1908 <sup>48</sup>

The linguistic text and the denoted iconic message overlap in this illustration. In fact, the very purpose of the cartoonist is to show that Bilbolbul literally embodies all figures of speech. The landscape is quite generic, with cacti and desert referring to ‘an’ African context. In terms of

<sup>48</sup> Sourced from Trabacchini (2020).

connoted message, what emerges here is, first, the 'childification' of Africans. Like children, they are unable to distinguish right from wrong and understand the consequences of their conduct: Bilbolbul steals the egg and undergoes all sort of repercussions. Secondly, Africans cannot master their own destiny and solve their problems without assistance. Assistance is depicted here as an old savvy, the only adult able to help Bilbolbul. Finally, yet not less importantly, the old savvy brings Bilbolbul 'back to order', painting him black. The use of black is highly symbolic here (another connoted message) and indicative of a social condition due to a physical feature, rather than a mere physical feature *per se*. Bilbolbul is helped by the old savvy, but the inferiority of the child is re-stated through his colour. The paternalism is pervasive and is deployed to show both the inferiority of the population as well as the essential nature of the educational mission performed by colonization.

The child narrative is also present in other illustration contexts, which are permeated of an alleged sense of objectivity and scientific character.

The picture below (Fig. 2) was part of a publication documenting an exhibition held in Palermo, the *Mostra Eritrea* (Eritrean Exhibition). As explained by Belmonte, the event included a human exhibition, situated in a contextualized Abyssinian environment, a fictional village adorned with plantations and the reproduction of some *tukuls* (traditional Abyssinian buildings)<sup>49</sup>. The linguistic text below the image, «Nella Mostra Eritrea. Disegno dal vero» (In the Eritrean exhibition. Drawn from nature), seems to point to a mere elucidation of a real snapshot of the exhibition. If that was the case, denoted and connoted message would overlap and leave little interpretative space<sup>50</sup> to the reader. In fact, more than the reality of the exhibition, the picture is meant to indicate «the main *topoi* of the fictional

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<sup>49</sup> See extensively Belmonte (2017).

<sup>50</sup> Relying on the scholarship of Cheong, Al-Momani (2017) explains that the complementarity relationship between visual and linguistic elements can be understood as contextual propensity: «Contextual propensity limits viewers' interpretative choices, or interpretative space», p. 71.

village»<sup>51</sup>. The illustration offers a specific narrative of ‘an’ Abyssinian village. The last quadrant in particular shows a European bourgeois man approaching – or approached by – two African children.

Once again, the *mission civilisatrice* conveyed to the general audience through the child/adult metaphor, with the adult portrayed by a generous and kind European.



Fig. 2 – *Nella Mostra Eritrea (disegno dal vero di Gennaro Amato), Palermo e l'Esposizione nazionale del 1891-1892: cronaca illustrata, Milan 1892*<sup>52</sup>

#### 4.2. *The mission civilisatrice between ‘Legitimate’ Violence and Geopolitical Considerations*

While the argument of the *mission civilisatrice* was quite pervasive, two other arguments inhabited the politico-juridical discourse on colonialism at the turn of the twentieth century.

Mancini was tendentially against war, even if for humanitarian reasons<sup>53</sup>;

<sup>51</sup> Belmonte (2017), p. 98.

<sup>52</sup> Sourced from Belmonte (2017).

<sup>53</sup> Romano (1996), on the refusal of Mancini to join Britain in the expedition against Egypt and the criticism he attracted with his decision, p. 28 ff.

other scholars of his time did not share the same reservations. De Napoli shows, for example, how Bovio (albeit in principle against the Italian colonial enterprise) would justify violence in the context of colonialism<sup>54</sup>. According to Bovio, inferior races were to be transformed by the superior ones, without whom they would have no possibility to evolve and ameliorate. These races were – it is worth repeating it – placed ethnographically in an immanent present, deprived of past and (legal) culture. Bovio considered Africans as incapable of producing thought and, as such, meant to serve. Africans were considered ‘beasts’, not thinking beings. They were removed from any resemblance to a nation or a State and, thus, outside the applicable realm of the prohibition of subjugation. Bovio maintained that there existed no right to ‘barbarity’: the lack of law and absence of nations were in fact the reason for the better races to expand and export civilization. There was only one relevant legal order: «that of civilization that pours forth»<sup>55</sup>. In this context, recourse to violence was admitted and admissible.

Others voiced their concern against the use of force and suggested instead that colonialism should have a humanitarian nature and respect right to life «in every corner of the Earth»<sup>56</sup>. Bovio’s and many others’ stance to this objection was however very clear: where chaos and barbarity reigned, the use of violence was legitimate, as the only way to attain civilization. It was not violence for violence’s sake, but rather violence for the sake of civilization: the ‘just war’, ubiquitous until present day<sup>57</sup>.

The picture below (Fig. 3) depicts this argument quite well. The illustration shows a conversation between a generic black character with an Italian soldier, who is trying to catch a crocodile. The title of the illustration is ‘a novice hunter’. In the text, the black character encourages the Italian colonizer to use more forceful means if he wants to effectively hunt the animal, as a mere lasso will not do much. The complex connoted

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<sup>54</sup> De Napoli (2013), p. 808 ff.

<sup>55</sup> Bovio (1887).

<sup>56</sup> This was for example the idea of Catellani (1885), see also De Napoli (2013), p. 810.

<sup>57</sup> For a recent recount of ‘just war’ and its colonial roots, see Hutchings (2019).

message is perfectly inscribed in the narrative above. The black character is depicted as a small generic beastly-like figure, respecting the racist canons of the time. More symbolically Africa is represented as a ferocious beast, the crocodile, which, on top of the lasso – the educational mission? – might need the intervention of the use of force to be definitively domesticated.



Fig. 3 – *Un cacciatore novizio*, «La Rana», 1888<sup>58</sup>

Not all political actors and scholars were convinced by the *mission civilisatrice*, either with or without force. The arguments of ‘beastiness’, a-historicity and the absence of governed nations were refuted for different reasons.

After the battle of Dogali, Andrea Costa<sup>59</sup> addressed the Parliament

<sup>58</sup> Sourced from Addisportals, Adwa Edition (2013), available at [addisportals\\_Adwa.pdf](http://addisportals_Adwa.pdf).

<sup>59</sup> *Discorso di Andrea Costa alla Camera dei Deputati*, 3 febbraio 1887, available at <https://glocalmente.it/i-discorsi-della-domenica-andrea-costa-1887-la-bandiera-della-patria-la-vedo-sui-campi-di-battaglia-per-la-liberta-e-per-la-indipendenza-la-vedo-nelle-imprese-civili-che-fanno-risalire-sempre-piu/>.

exposing the rhetoric of the civilizing mission. Most importantly, he insisted on the unsustainability of the Italian colonial enterprise in terms of expenses of money and sacrifices of human life, in a historical moment where internal affairs were disastrous and required much more effort and attention than any ‘adventurous expeditions’.

Ruggiero Bonghi<sup>60</sup> rejected the asserted inferiority of Sudanese and Abyssinians as ‘barbarians’, insisting that the only way European powers would bring civilization would be through annihilation. Yet, there was one ‘irresistible’ argument: ineluctability.

In 1885, Mancini would declare:

how can we close our eyes to this generous competition, which is now manifested among all great nations of Europe, to take part in a sort of common and joint enterprise of world-wide civilizing: in a high educational mission of such a large part of the human species in the vast African continent<sup>61</sup>?

While once again cloaked in a universalist aspiration to civilization, the message of the Ministry of Foreign Affairs was clear: Italy had to participate in the colonial enterprise, otherwise it would have had to passively accept decisions taken elsewhere. The risk of being left out of geopolitics was too high. This argument was presented as a sort of righteous destiny Italy had to embrace as now one of the great civilized powers. The illustrations below express this quite well. Albeit being officially two satirical vignettes – and thus in theory critical of the *status quo* – they convey this sense of historic and ineluctable destiny quite powerfully and seem to intrinsically accept the racist connotations suggested at the time<sup>62</sup>. A brief analysis thereof is, thus, in order.

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<sup>60</sup> *Discorso di Ruggiero Bonghi alla Camera dei Deputati*, 7 maggio 1885, as reported in Romano (1996), p. 25.

<sup>61</sup> *Discorso di Pasquale Stanislao Mancini alla Camera dei Deputati*, 27 gennaio 1885, in *Discorsi parlamentari di Pasquale Stanislao Mancini raccolti e pubblicati per deliberazione della Camera dei Deputati*, vol. VIII, Roma, Tipografia della Camera dei Deputati, 1893-1897, p. 173; De Napoli (2013), p. 807.

<sup>62</sup> Hammet (2010) makes the interesting argument that «we should consider [...] the

In the first picture (Fig. 4), a blindfolded Italian soldier is seen as being pushed by a British man to break a pot (the African Campaign), where a black figure hides below. The caption reads «storia di un naufrago contemporaneo» (story of a contemporary castaway). The linguistic text reads «England has led us to look for a pot to break. Now that we're on it, do you expect the chick to escape? Give it a good blow until we can... And then home!».

The second picture (Fig. 5) shows a group of adult women personifying the colonial powers lecturing to a group of children, embodying the colonized or subjugated populations. The caption reads «Scuola di civiltà» (school of civilization). In the text, the women tell off the children, explaining that «civilization for you, little ones, means remaining silent when adults are speaking». The connoted message in both vignettes is clearly critical of the colonial enterprise. «Scuola di civiltà», for example, specifically exposes the weakness and hypocrisy of the temporary tutelage argument mentioned in the previous section.

Yet, both vignettes are useful in contextualizing Italy's play-out in the broader international context, in particular in its relationship with Britain. While in the first illustration, Italy is shown as being explicitly (blindly?) led by Britain towards the African campaign, in the second one Italy is represented as the latest European power endorsing the colonial endeavour and encouraged to participate – together with the other colonial powers – by the woman personifying Britain.

In other terms, Italy is forced by the geopolitical context to take part in the colonial enterprise, either naïvely pushed by others (Fig. 4), or as an invited participant (Fig. 5).

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intersection of the multiple planes upon which cartoons operate and the ways in which ideas of intent and reception are contested and blurred in the process of giving meaning to and take meaning from such images. Thus, the narrative through which leaders are mocked or ridiculed may be view as resulting in a simultaneous reification of elite power [thus reinforcing their powerful position] *and* [italics in the original] critique thereof, through which this powerful position is challenged and undermined», p. 5.



Fig. 4 – *Un naufrago contemporaneo*, «La Rana», 1888 <sup>63</sup>



Fig. 5 – *Scuola di civiltà*, «Il Fischietto», 1886 <sup>64</sup>

<sup>63</sup> Sourced from Addisportals, Adwa Edition. Available at [addis portals\\_Adwa.pdf](http://addisportals_Adwa.pdf).

<sup>64</sup> Sourced from Scala Archives. Available at [http://www.scalarchives.it/web/dettaglio\\_immagine.asp?idImmagine=DA48541&posizione=30&inCarrello=False&numImmagini=1453&](http://www.scalarchives.it/web/dettaglio_immagine.asp?idImmagine=DA48541&posizione=30&inCarrello=False&numImmagini=1453&).

#### 4.3. *The Nationalistic Turn and the Elaboration of a Differentialist Approach*

As mentioned above, it is not possible to identify a clear-cut change in the colonial juridical discourse across the periods under analysis. Arguments often overlap and repeat cyclically to advance the merit and opportunity of the Italian colonial enterprise. This notwithstanding, one can still detect a certain directional change from Mancini's liberalism to end of century nationalism, the latter being more markedly imperialistic. This might be due to the already mentioned 'complex of Adwa' and the wound it inflicted to the domestic pride, which helped justifying further expansion in Africa with much more easiness.

Albeit not disappearing from the public debate, the *mission civilisatrice* was accompanied by the idea that (temporal and spatial) colonial expansion was a 'natural' right of civilised nations, a token of prestige and glory, celebration of their superior race<sup>65</sup>. The attention started moving from the needs of the colonized to the rights of the colonizers. Based on the pivotal standard of civilization, the paradigm shift<sup>66</sup> occurred at the level of the juridical status accorded to the colonial territories and their subjects. As a direct emanation of the colonizer, colonization implied domination of more advanced nations over inferior populations, primarily in the interests and to the advantage of the colonizer<sup>67</sup>. This implied that colonies could not be considered as integral part of the territory of the State in its juridical meaning. When Eritrea became formally a colony in 1890, Crispi insisted vehemently on this point: colonies are dependencies of the State, under its dominion, they are not part of the territory of the State. This was a necessary aspect in the (embryonal) imperialistic policy of Italy. Territorial assimilation implied extension of domestic rights and duties to colonies and colonized. In reality, Mancini – already in 1882 – had clarified that the while being integral part of Ital-

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<sup>65</sup> Zocchi (2019), p. 12.

<sup>66</sup> De Napoli (2016), p. 79.

<sup>67</sup> Romano (1918), p. 10.

ian territory, the colony (Assab) would be subject to a special regime.<sup>68</sup> Yet, in Mancini’s framework this regime was still internal to the State’s general legal order, one of its many parts, still stemming from the ‘center’<sup>69</sup>. In other words, the unifying and universal power of the (European) liberal legal order was still operative in the colonies.

This changed after 1890. The status of colonies became a hybrid, a ‘premodern’ juridical space, suspended in an exceptional temporal and territorial dimension<sup>70</sup>. According to Santi Romano, colonies would be subject to a (peculiar) patrimonial right of the State, a public right *in rem* on which the colonized would exercise *dominium*, much like the patrimonial State conceived in the *Ancien Régime*<sup>71</sup>. As mentioned above, the main reason to consider colonies as extra-statutory was to categorically deny the automatic application of the domestic legal order (and the rights that ensued therefrom) to the subjects in the colonies. While this differentiation between the status of citizens and that of the natives was much less blatant in the Mancini era, the differentialist approach became quickly the norm in the legal treatment of citizens and that of subject populations. The differentialist approach and the creation of two (or more) different subjective status was grounded in a functionalist ethnographic approach that would justify this distinction and reject any form of assimilation, officially in the interests of both colonizers and colonized<sup>72</sup>. Differentiation was formally meant to safeguard indigenous traditions (including juridical ones!), as every legal order should reflect the historical and sociological characters of a certain community. In fact, the different standard of civilization prevented the extension of the liberal

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<sup>68</sup> Anello (2009), p. 31.

<sup>69</sup> Nuzzo (2004/2005), p. 486.

<sup>70</sup> De Napoli (2011), p. 80; extensively Nuzzo (2021a).

<sup>71</sup> Romano (1918), p. 123; see Nuzzo (2004/2005), p. 489. As mentioned above, the uncertainties surrounding the juridical status of colonies should not surprise and were certainly not limited to the Italian colonial experience. It was generally unclear under international law which regime applied both to the formation and governing of colonies as well as to their legal status in relation to the colonizer.

<sup>72</sup> De Napoli (2013), p. 815.

legal order to the colonies and its subjects and legitimised the production of a special legal regime that would better accommodate the cultural ‘backwardness’ of indigenous populations<sup>73</sup>. Racial and cultural differences provided legitimacy for conceiving of a temporally dislocated legal regime for colonial spaces. The juridical relevance of colonies was thus recognized, yet these maintained a different – derived, patrimonial – status from the legal order of the ‘metropolitan’ State.

What was legitimised on ethnographic accounts, often implied the adoption of e.g. criminal sanctions like death penalty and corporal punishment, since this legal treatment would be considered more appropriate to the indigenous context, considered ‘savage’ and ‘immoral’<sup>74</sup>. The differentialist approach – it was objected – practically betrayed and defeat-

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<sup>73</sup> Nuzzo (2021a), p. 244 ff provides a sophisticated analysis of Santi Romano’s legal pluralism account in the institutional relationship between colonies and State. Theorizing a patrimonial *ius in rem* for colonies allowed Romano to acknowledge colonial spaces as ‘institutions’ that would however maintain a status derived from the legal regime of the central State. Without wanting to engage in an unduly extension of different legal concepts across times and spaces, it is interesting to note that the premises upon which the differentialist approach were partly based (respect of different sociological realities as sites of norm-production) resounds with general theoretical accounts of legal pluralism also beyond the specific Italian experience. While outside the scope of this article, it is worth noting how legal pluralism as such is often perceived as normatively and ideologically ‘progressive’. In fact, as put by De Sousa Santos (2002), p. 89, legal pluralism is not good, progressive, or emancipatory *per se*. It can allow for exclusion and inequality in the creation of given legal realities. Legal pluralism does not possess pre-determined modes of coordination and communication processes among and within co-existing legal regimes. The criteria for relational structure are not given and can be normatively ‘colored’ very differently, as the colonies-State interaction shows. This reflection was spurred by an insightful exchange with Ioannis Kampourakis. See his work, Kampourakis (2021), p. 116 for a critical analysis in the context of postmodern legal pluralism.

<sup>74</sup> De Napoli (2013), p. 816. As briefly hinted in nt. 30, local regime and administration of colonies was a much more complex issue and admittedly not deprived of contradictions and overlaps. While certain matters – such as criminal law, on which see De Napoli (2020) – were left to the determination of a special colonial regime, the application of local rules and traditions to typically private matters (i.e. family relations) was fairly common, even before the full ‘formalization’ of a differentialist approach. Yet, more than indicating – at least at an *ideological* level – a certain degree of tolerance towards indigenous communities and traditions, the application of local rules was seemingly functional to domination and still coherent with a racialized colonial ideological vision.

ed the *mission civilisatrice* of the European legal order, as universal bearer of justice and freedom, as a wealth to lift indigenous people from their inferiority. Yet, jurists were once again able to construct a legitimate ground for it: the differentialist approach was still compatible with an evolutionist paradigm and the possibility for natives to progress. In fact, the differentialist approach was exactly what was needed to lead indigenous people gradually and effectively to full maturity.

The lack of appropriateness for (legal) assimilation of Africans with Italians (and by extension Europeans) and, thus the justification of a differentialist approach, is well represented in the picture below (Fig. 6). The illustration – an advertisement for Liebig meat – depicts a group of Africans in a (white) photographer’s studio. The caption reads «Dal Fotografo». Here as well, the caption would seem to only function as elucidation of the picture and, thus, exhaust its message at the level of the denoted. Yet, the viewer is teased and invited to detect a difference between the image s/he has in mind when thinking of a photographer’s studio and the one proposed in the illustration. The characters whose picture is taken are mimicking a typical European situation in a typical European context. Yet, they come across as ridiculous and disingenuous. The European clothes they are dressed in are mismatched, wrongly worn and too colourful. Meaning that, while trying to adopt a ‘civilized’ lifestyle, the indigenous characters are not able to assimilate, ending up in a caricatural version of themselves. The only ‘sensible’ character in the picture is the white photographer. The illustration clearly ridicules the idea of assimilation. The connoted message is evident: imposing civilized standards upon Africans will not make them attain these standards, as these are not appropriate to their level of civilization, which requires applying different criteria in a perspective of gradual progress.

The second picture (Fig. 7) condenses instead this notion of colonies as dependencies of the State and the shift in focus from the destiny of the colonized towards the merits of the colonizer. An Italian soldier is seen walking down Italy towards Tripoli (which had just been ‘conquered’ in 1911), at the exclamation «Viva Tripoli Italiana». The text immediately

tilts the attention of the viewer on the acquisition of Tripoli, which shares the same colours of the Italian peninsula. The connoted message hints at the expansion of the ('possessions' of the) State. There is no indication, either visual or textual, to any chance of betterment for the people of Lybia. The latter are completely obliterated; they do not even appear in the illustration.



Fig. 6 – *Dal fotografo, Scene d'Africa*, Ed. italiana. Pubblicità Liebig, 1906 <sup>75</sup>



Fig. 7 – Celebratory card, ca. 1912 (author unknown)

<sup>75</sup> Sourced from Manfren (2019), p. 621.

#### 4.4. *The Fascist Italian Empire and its (Partialized) International Legal Narratives*

Fascism exasperated the imperialistic turn analysed above. Mussolini’s aspiration was to avenge Adwa and ‘conquer’ Ethiopia, which he saw as the necessary step to establish an Italian Empire and redeem the glory of Ancient Rome. The exasperation was also visible in the language employed in public debate. Calchi Novati registered a radicalization «from the contained dialectics of the liberal period to the rough methods of fascism»<sup>76</sup>. Speeches were charged with Roman symbolism and (alleged) anthropological arguments that would entice public opinion to the Italian colonial enterprise. Interestingly, there was a move from ethnography towards biological anthropology and determinism<sup>77</sup>, which served as basis to construct the juridical discourse around colonial racism and helped reinforce Italian imperial aspirations.

From the perspective of international law, the (fascist) scholarly debate started becoming more active towards mid-30s, in connection with the ‘imperial awakening’ of Italy and its first moves towards Ethiopia. In this context, it is interesting to observe how jurists simultaneously invoked and criticised international law<sup>78</sup>. As further explored below, the attempt was – at the domestic level – to reinforce the exceptionalism of the fascist regime, its asserted revolutionary potential, and the inability of the then current international legal order to channel the merits of fascism<sup>79</sup>. Yet, credibility at an international level was still relevant. Jurists and diplomats were (at least before Italy’s entry into the war) more careful in framing their arguments and justifying the actions of Italy in the international arena. They relied mostly on international law and legitimate exceptions to existing international legal rules. The critique of law-

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<sup>76</sup> Calchi Novati (2011), p. 5.

<sup>77</sup> De Napoli (2013), p. 822 ff; Zocchi, p. 16 ff.

<sup>78</sup> See extensively Bartolini (2012) on the absence of a fascist doctrine of international law.

<sup>79</sup> On the contribution of these arguments towards the construction of a national consciousness, see extensively Zocchi (2019).

yers was rather addressed to the hypocrisy of the international community – especially in relation to the Ethiopian war.

The point of departure was once again the standard of civilization. Yet, this acquired a new meaning and function in the context of fascist imperialism. While in the liberal discourse this served to justify the *mission civilisatrice* and save indigenous populations from themselves, in the fascist era indigenous were condemned to a permanent status of inferiority<sup>80</sup>. As powerfully put by De Napoli, «if nineteenth-century racism stated that the African race was a historical zero, totalitarian racism asserted that it was a future zero»<sup>81</sup>. As mentioned above, anthropological ‘truth’ and biological determinism would therefore dictate the juridical status and definition of colonies and subjects. Since ‘anthropologically’ Africans were not able to develop and progress, the only possibility was to transplant the means of Italian civilization<sup>82</sup>, wipe out the inferior one(s) and dominate the lesser race. Thus, invocations of the mission of civilization, albeit not lacking in the public discourse, were not meant for progress or emancipation. The ‘sword’ of civilization implied domination of the superior race over barbarians as the only possible means to govern the imperial space. Granted, barbarians could still be pitied and become addressees of ‘charitable’ actions. The rhetoric of freedom from slavery perfectly fitted this scheme<sup>83</sup>.

The categorization of Africans as ‘permanent’ barbarians was particu-

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<sup>80</sup> On the passage from ‘the native to be saved to the native to be dominated’ Zocchi (2019), p. 21.

<sup>81</sup> De Napoli (2013), p. 832.

<sup>82</sup> Renzo Meregazzi, as cited in Zocchi (2019), p. 15.

<sup>83</sup> Freedom from slavery was one of the first arguments employed in the public discourse to justify colonialism. Crispi, for example, had signed several international agreements, committing to the prohibition of any form of slavery. In the fascist era, the Negus Hailé Selassié was often illustrated as a ruthless and unscrupulous slaver, whereas Italians were bearers of freedom. Yet, slavery was not only tolerated. It was at times even sanctioned through official documents. Mogadiscio counted 2095 slaves on a population of 6695 inhabitants, slavery was practically institutionalized. Even in Eritrea, the prison (in fact, the lager) of Nocra was operational from 1887 to 1941. Here prisoners worked in stone quarries in inhumane conditions. See Scovazzi (2020), p. 356.

larly relevant in the Ethiopian saga, also as a way to challenge the statehood of this country. The ‘usurpation’ of the title of State was pivotal in justifying the Italian annexation of Ethiopia. The two illustrations below powerfully convey the message of the inferior status of Ethiopians and the ‘just’ treatment they are to receive. Fig. 8 depicts an Italian soldier wearing a protective mask ‘wiping out’ a native. The caption reads «Brusca e striglia» (two types of brushes). In Fig. 9, an Italian soldier is using bug spray against an amassed group of native combatants. The linguistic text reads «Armamenti – Ecco l’arma più opportuna» (Weaponry – The most appropriate weapons). In Fig. 9, the connoted message conveyed for the viewer is the notion that in order to deal with ‘Africans’ the only way is to wipe them out, to cleanse them. The blackness recalls dirtiness that needs to be forcefully removed. The mask worn by the soldier suggests that the black character probably smells, and the soldier needs to protect himself and maintain his distance. In other words, he needs to preserve the prestige of his race. The two brushes referred to in the caption are typically employed to clean<sup>84</sup> horses. These elements refer to the animal, almost inhuman nature of the natives. The other illustration evokes a similar symbolism. The Ethiopian army is composed of little ‘bugs’ – Africans are again represented as animals – identical to one another, which are to be annihilated by the Italian soldier, depicted as disproportionately larger. The appropriate treatment as hinted to by the caption is an equally disproportionate use of force employed to wipe out an inferior population perceived as a plague<sup>85</sup>.

The two illustrations convey two main messages: the inhumane/barbaric nature of natives and the annihilation thereof as the only way to free the path towards civilization. If words can be painted, one cannot but read Santi Romano’s (international legal) arguments in these two pictures:

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<sup>84</sup> The symbolic ‘cleansing’ ritual was very common in fascist propaganda cartoons as well as in the public discourse around colonialism. See Bosco (1935).

<sup>85</sup> One cannot but be reminded of the (by now ascertained) use of toxic gas against Ethiopians by the Italian military.

that shapeless agglomeration of barbarians, which had usurped the title of State, has been subject to a true *debellatio* [...]. This way of ending the war, which reveals its Roman influence even in its Latin name, appears to be the most politically appropriate and in keeping with the attitude of Fascist Italy [...] <sup>86</sup>.



Fig. 8 – *Brusca e striglia*, Postal Card, E. Ligrano, Arti Grafiche Minarelli, 1935



Fig. 9 – *Armamenti*, Postal card, E. De Seta, Edizione d'Arte Boeri, ca. 1935

While fascism was not very concerned with the structure and functioning of the international legal order and community at its advent, this changed with the Ethiopian War. A wave of criticism was addressed specifically against the League of Nations <sup>87</sup>. This organization was perceived as being unfit to advance the fascist model, which reflected a hierarchy of values and responsibilities, and the right to expansion of civilized nations. Per the reproval of fascist lawyers, the League – a democratic body based on unanimity and (artificial) equality among States – was inevitably flawed and subject to phenomena of clientelism. Its institutional structure would imply a *de facto* prevalence of a handful of powerful countries, who would orchestrate the decision-making process. This acrimony reached its peak when the dispute between Italy and Ethiopia was referred to the League and States decided to impose sanctions on Italy for the aggression and annexation of Ethiopia. The League – and several (foreign) scholars – specifically contested the violation on the part of

<sup>86</sup> Romano (1937), as cited in Bartolini (2012), p. 255.

<sup>87</sup> Bartolini (2012), p. 246.

Italy of the 1928 Treaty with Ethiopia, Kellogg-Briand Pact, as well as of the Covenant. As a consequence, many invoked the non-recognition of the situation created by the *de facto* annexation of Ethiopia.

Italian legal scholars reacted levelling their criticism against the dynamics of the League. Yet, most of their arguments were based on valid rules of international law, albeit partialized and tweaked to serve the interests of Italy. As systematized by Bartolini, Italian international lawyers used mainly three sets of arguments to counter the legal position adopted by the League and other States: 1) the self-defence argument: Italy had been the victim of an aggression on the part of Ethiopia that would put at risk its interests in the colonies; 2) Ethiopia was not, in fact, a State and, as such, the Covenant and its system of protection would not apply to it; 3) the sanctions were unjust as they had never been imposed for the violations of the Covenant before<sup>88</sup>.

The second and the third argument were possibly the ones conveyed the most through colonial illustrations and well exemplified in the next two pictures. The caption of Fig. 10 reads «Legalità» (Legality). The illustration shows a dialogue between two black characters only partially dressed in European style clothes and accessories. The cook informs his boss that «the white [man]» they caught «does not want to fit in the pan». The boss replies that they can refer the issue to the League of Nations to protest. The reference to the Ethiopian case is obvious. The complex connoted message sent by this cartoon plays out at the level of the juridical absurd. The combination of text and caption with the image suggests the following interpretation. The fact that the characters are wearing few grimy European accessories recalls again the impossibility for the natives to assimilate with European (Western, at this point in time) civilization. Yet, in the context of this vignette, (clumsily) wearing Western clothes in combination with the text takes the message a step further: the participation of ‘savages’ in the dynamics and processes of civilized institutions – the League of Nations – is inappropriate if not absurd. They can mimic being able to be-

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<sup>88</sup> Bartolini (2012), p. 252.

come meaningful members of the international community, yet they remain savages, a ‘conglomerate of barbarians’, certainly not States. In this sense, the cartoon exposes the flaws of the formal equality paradigm within the League of Nations, but also the possibility for inferior populations to access the League without fulfilling the criteria of statehood. Membership in the League allows ‘savages’ to employ its institutional mechanisms for redress, which comes across as illogical and ridiculous. As the vignette hints at, a formalistic approach to legality results in absurd conclusions, since it would grant Africans the possibility to protest at the League to defend their right to anthropophagy, to defend their ‘right to barbarity’.



Fig. 10 – *Legalità*, «O Governador», San Paolo, «La Domenica del Corriere», 1935<sup>89</sup>

The narrative that Ethiopians were in fact barbarians, unworthy of the title of State<sup>90</sup>, was instrumental in defending the Italian position in

<sup>89</sup> Sourced from Manfren (2019), p. 570.

<sup>90</sup> Note that the arguments put forward by Italian international lawyers at the time were not always coherent and often offered only a partial legal analysis of fascist Italy’s conduct at an international level, see Bartolini (2012), p. 249. For example, albeit challenging the statehood of Ethiopia, at the same time scholars articulated a series of arguments on Italian sovereignty over Ethiopian territory both *de iure* and *de facto*, which in fact did imply or presuppose the nature of State of Ethiopia. See, for example, Bosco (1935) and (1937).

the context of the League of Nations *querelle*. It was necessary in order to argue that sanctions levied against Italy were not only unjust, but also unlawful and invalid. The allegation was that Italy had been unfairly punished by a hypocritical institution for doing nothing but defending itself and its interests in the colonies and 'doing' good, advancing civilization against barbarity. The illustration below (Fig. 11) synthetizes it quite well:



Fig. 11 – *Ginevra degli armieri. Parole e fatti*, Bepi [Giuseppe Fabiano?], «Gente Nostra. Illustrazione Fascista», 1935<sup>91</sup>

<sup>91</sup> Sourced from Manfren (2019), p. 597.

The caption reads «Ginevra degli Armieri – Parole e fatti» (Armorers' Geneva – Words and deeds). The combination of the (readable) text<sup>92</sup> with the images aims at catching the viewer's attention at the level of contrast. In the first nine quadrants, the text lists the official objectives of the League of Nations, whereas the images expose the hypocrisy thereof, showing what in fact powerful nations (represented here by a character, who is clearly British and so is the origins of the depicted weapons) do with this mandate. While proclaiming the liberty of peoples, the main character threatens and crushes (subjugates?) less powerful peoples and States. While asserting the aim of serving truth, the character spreads lies (the balloons), and so forth. What is particularly relevant and meant to catch the eye of the reader as the most prominent aspect is the central quadrant. The caption reads «[Geneva] helps the pacific work of colonization», depicting a strong (Italian) man working the field and an arm lashing a stab in his back<sup>93</sup>. The connoted message here is double: first, internationally (Italian) colonization is presented as 'pacific' and – most importantly – legitimate and legal, as parts and parcel of the mandate of the League<sup>94</sup>. Secondly – and consequently – sanctions are unjust and traitorous because they are imposed against a perfectly valid course of action. Thus, the punishment (last quadrant) goes against the very core of the mission of the League. The last quadrant below invites the viewer to contemplate the obvious merits of the Italian colonial enterprise and put it in contrast with both the hypocrisy of the League and its punishing intent. The text reads «[Geneva] wants to pun-

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<sup>92</sup> The author used a magnifier to be able to read the text. Yet, parts of it remained unreadable.

<sup>93</sup> A Julius Caesar stabbing reminiscence as an attempt at blocking the glorious come back of the Roman Empire?

<sup>94</sup> The (misplaced) reference here is possibly to Art. 22 of the Covenant, establishing a regime for tutelage of non-standing peoples: «[...] there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant. [...] the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility».

ish fascist Italy for freeing and feeding slaves; building streets, schools and hospitals; freeing Abyssinia from the oppressor (?). Emblematically, this is the only quadrant where the text corresponds to the images, suggesting that Italy – differently from the great powers in the League and the institution itself – is not hypocritical and does in fact what it asserts to do («parole e fatti» – words and deeds, as per the caption).

##### 5. *Conclusions: The Juridical (Co)Production of Colonialism: A Legacy*

Italian colonial past is admittedly a burdensome inheritance, concealed and exalted for too long. Historians have apologetically relied on prejudices and misconceptions and contributed to de-contextualize colonial imperialism and its implications, maintaining this approach until very late. The acritical attitude in both academia and politics and the magnification of the merits of Italian colonizers did not end with the end of the Italian Empire. In fact, colonial past has been consistently interpreted through the imperialist lens up until the 1980s. This was also due to the work of the *Comitato per la documentazione dell’opera dell’Italia in Africa* (Committee for the documentation of Italy’s endeavours in Africa). The Committee made sure to hide all thorniest and most problematic passages of Italian colonial past, to maintain and perpetuate the myth of the exceptionalism of Italian colonialism. Documents were requisitioned, and other outlets (including movies and documentaries) often censored. This made it very difficult to properly assess and calibrate Italian colonial past – an exercise, which is still fairly absent in the collective conscience. As a result, the artificial distinction between ‘us’ and ‘them’, the differentialist approach applied to citizens and colonized bear an intolerable echo today.

What this analysis intended to show is how juridical arguments constructed the colonial mission; how these constructs entered the collective conscience; and how these were put out for mass consumption through the medium of propaganda illustrations and cartoons. The immediacy of these communication means and their visuality moulded the public per-

ception of the ‘other’, of the relationship between colonizers and colonized and their ‘rightful’ status, as well as the merits of the Italian colonial enterprise. Most importantly, the minimisation and ridiculisation of any different interpretation, of any seeds of resistance or objection normalized the juridical discourse around colonialism, making it the only legitimate and acceptable one. Lawyers contributed to constructing Italian colonialism, while at the same time mantling it with neutrality and objectivity – based on an allegedly scientific description of reality, which was in fact filled with prejudices, denial of others’ traditions and culture, and ideologically driven.

The general resistance to open the Pandora box of Italian colonial past is problematic, not only because it obfuscates what in fact occurred. It is problematic also because the conceptualization (rather the *creation*) of differences and *status* developed then has tacitly permeated our current understanding of subjective categories and is still perpetuated in the way law defines and treats these categories. A clear colonial legacy is detectable for example in the doctrine of ‘just war’, the notion that democracy can and should be exported, in the understanding of indigeneity as minority, in the (mis)use of (internal) territorial integrity as glass ceiling to meaningful participation, and in the colonial premises of the current system of international investment law<sup>95</sup>. The all-to-recent Afghanistan debacle is a strong *memento* to revise how we perceive and define ourselves and the others. Nearer to our geography, the current anti-migration narratives, and policies – at times transposed into actual binding rules – expose how we still think of certain subjects as ‘subaltern’<sup>96</sup>, as a single confused mass of individuals – ‘the migrants’ – with no history, with no context. The juridical space is confined in the paradigm of the Western liberal order, as the only possible system to organize society.

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<sup>95</sup> For a general account of the colonial origins of international law and the perpetuation of colonial dynamics in the current international legal order see *ex multis* Anghie (2006) and (2007), Gathii (2007), Miles (2013) and *supra* nt. 37.

<sup>96</sup> On the legacy of colonialism in present times, Zocchi (2019), Jedowski (2011), Calchi Novati (2011), Anello (2009), Nuzzo (2004/2005).

Yet, this is the very same system that has produced the atrocities of colonialism. As beautifully put by Calchi Novati

its aim [*of history*] is to ascertain what happened in the past, but also to assess how the past operates in the present. In the perverse overlap of politics and history, politics is competing with history in passing on collective memory<sup>97</sup>.

It is therefore of utmost importance to engage and deal with Italian colonial past; learn how to identify crystallized subjectivities and institutions and the legal regimes constructed on the basis thereof. And dismantle them.

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<sup>97</sup> One cannot but think of the recent debate around the ‘foibe’, Gobetti/Greppi (2021).

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